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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

NINTH CONGRESS.

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

NINTH CONGRESS.

COMPRISING THE PERIOD FROM DECEMBER 2, 1805, TO MARCH 3, 1807, INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

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1852.

PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE NINTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 2, 1805.

MONDAY, December 2, 1805.

The first session of the Ninth Congress, conformably to the Constitution of the United States, commenced this day, at the City of Washington, and the Senate assembled.

PRESENT:

WILLIAM PLUMER and NICHOLAS GILMAN, from New Hampshire.

JOHN QUINCY ADAMS and TIMOTHY PICKERING, from Massachusetts.

JAMES HILLHOUSE, and URIAH TRACY, from Connecticut.

JAMES FENNER, from Rhode Island.

STEPHEN R. BRADLEY and ISRAEL SMITH, from Vermont.

SAMUEL L. MITCHILL, from New York.

JOHN CONDIT and AARON KITCHEL, from New Jersey.

GEORGE LOGAN and SAMUEL MACLAY, from Pennsylvania.

SAMUEL WHITE, from Delaware.

SAMUEL SMITH, from Maryland.

DAVID STONE, from North Carolina.

THOMAS SUMTER and JOHN GAILLARD, from South Carolina.

ABRAHAM BALDWIN, from Georgia.

DAVID SMITH, from Tennessee.

THOMAS WORTHINGTON, from Ohio.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tem.*, as the Constitution provides, and the honorable SAMUEL SMITH was appointed.

The credentials of the following Senators were read, viz:

Of ABRAHAM BALDWIN, appointed a Senator by the Legislature of the State of Georgia, for the term of six years, from the 3d day of March last; of JAMES A. BAYARD, appointed a Senator by the Legislature of the State of Delaware, for the term of six years, from the 3d day of March last; of JAMES FENNER, appointed a Senator by the Legislature of the State of Rhode Island, for the term of six years, from the 3d day of March last; of NICHOLAS GILMAN, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years, from the 3d day of March last; of AARON KITCHEL, appointed a Senator by the Legislature of the State of New Jersey, to serve during the term limited by the Constitution; of TIMOTHY PICKERING, appointed a Senator by the Legislature of the State of Massachusetts, for the term of six years, to commence on the 4th day of March last; of DANIEL SMITH, appointed a Senator by the Legislature of the State of Tennessee, for the term of six years, from the 3d of March last; and of BUCKNER THRUSTON, appointed a Senator by the Legislature of the State of Kentucky.

The oath was administered by the President to the following Senators, as the law prescribes: Mr. BALDWIN, Mr. FENNER, Mr. GILMAN, Mr. KITCHEL, Mr. PICKERING, and Mr. SMITH, of Tennessee; also, to Mr. SUMTER, appointed a Senator by the Legislature of the State of South Carolina, for the term of six years, commencing on the 4th day of March last.

Ordered, That the Secretary wait on the President of the United States, and acquaint him that a quorum of the Senate is assembled, and that, in the absence of the Vice President, they have elected the honorable SAMUEL SMITH President of the Senate *pro tempore*.

Ordered, That the Secretary make a like communication to the House of Representatives.

Ordered, That Messrs. SUMTER and MITCHILL be a committee, on the part of the Senate, with such committee as the House of Representatives may appoint on their part, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled, and ready to receive any communication that he may be pleased to make to them.

Resolved, That each Senator be supplied during the present session with three such newspapers, printed in any of the States, as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers.

Resolved, That JAMES MATHERS, Sergeant-at-Arms and Doorkeeper to the Senate, be, and he is hereby, authorized to employ one assistant and two horses, for the purpose of performing such services as are usually required by the Doorkeeper to the Senate; and that the sum of twenty-eight

dollars be allowed him weekly for that purpose during the session, and for twenty days after.

Resolved, That two Chaplains, of different denominations, be appointed to Congress, for the present session, one by each House, who shall interchange weekly.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

TUESDAY, December 3.

JOSEPH ANDERSON, from the State of Tennessee; BUCKNER THRUSTON, from the State of Kentucky; and ROBERT WRIGHT, from the State of Maryland, attended.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and have appointed NATHANIEL MACON, Esq., one of the Representatives for North Carolina, their Speaker, and are ready to proceed to business. The House of Representatives have appointed a committee on their part, jointly, with the committee appointed on the part of the Senate, to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them. The House of Representatives agree to the resolution of the Senate for the appointment of two Chaplains.

Mr. SUMTER reported, from the committee appointed yesterday to wait on the President of the United States, that they had performed the service, and that the President of the United States informed the committee that he would make his communications to the two Houses at twelve o'clock this day.

The oath prescribed by law was administered to Mr. THRUSTON.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States of America:

At a moment when the nations of Europe are in commotion, and arming against each other, and when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them towards our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the Representatives of the nation in both Houses of Congress has become more than usually desirable. Coming from every section of our country they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs, which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever which, in latter times, has occasionally visited our shores. Providence, in his goodness, gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to cities and on the tide waters only, incommunicable in the country, either by persons under the disease, or by goods carried from diseased places; that its access is with the autumn, and it disappears with the early frosts. These restrictions, within narrow limits of time and space, give security even to our maritime cities during three-fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet to satisfy the fears of foreign nations, and cautions on their part, not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify, with exact truth, for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained from a propensity to identify with this endemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the State authorities charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burden of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the States should be found to need no present revisal by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested, and our harbors watched, by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured, in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication; but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them; maltreated the crews, and abandoned them in boats in the open sea, or on desert shores, without food or covering. These enormities appearing to be unreached by any control of their Sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to itself a commerce with its own enemy which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral, having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintain-

ing the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed, the confidence we ought to have in the justice of others still countenances the hope that a sounder view of those rights will, of itself, induce from every belligerent a more correct observance of them.

With Spain, our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during a former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims in nowise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things by taking new posts, or strengthening ourselves in the disputed territories, in the hope that the other Power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that Government. I have, therefore, found it necessary, at length, to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication. In reviewing these injuries from some of the belligerent Powers, the moderation, the firmness, and the wisdom, of the Legislature will all be called into action. We ought still to hope that time and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may, perhaps, admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have already been taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these, it is desirable we should have a competent number of gunboats, and the number to be competent must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the mean time, you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia as would enable us, on any sudden emergency, to call for the services of the younger portions, unencumbered with the old and those having families. Upwards of three hundred thousand able bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I cannot, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of seventy-four guns. These materials are on hand, subject to the further will of the Legislature.

An immediate prohibition of the exportation of ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow-citizens who were stranded on the coast of Tripoli and made prisoners of war. In a Government bottomed on the will of all, the life and liberty of every individual citizen become interesting to all. In the treaty, therefore, which has concluded our warfare with that State, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and others engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late Consul Eaton, and their successful enterprise on the city of Derne, contributed, doubtless, to the impression which produced peace; and the conclusion of this, prevented opportunities of which the officers and men of our squadron, destined for Tripoli, would have availed themselves to emulate the acts of valor exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed, whenever occasions permitted, in the late Mediterranean service, I think it would be an useful encouragement as well as a just reward, to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen, not yet sufficiently explained, but friendly discussions with their Ambassador, recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these. So that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law providing for a Naval Peace Establishment fixes the number of frigates which shall be kept in constant service in time of peace, and prescribes that they shall be manned by not more than two-thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two-thirds only of her proper complement of men, must depend on the nature of the service on which she is ordered. That may sometimes for her safety, as well as to insure her

object, require her fullest complement. In adverting to this subject, Congress will, perhaps, consider whether the best limitation on the Executive discretion in this case, would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense, to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them, with spirit, and others beginning to engage in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty, than the forest, and find it their interest, from time to time, to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session, the northern tribes have sold to us the lands between the Connecticut Reserve and the former Indian boundary, and those on the Ohio, from the same boundary to the Rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between and adjacent to the two districts of Tennessee, and the Creeks the residue of their lands in the fork of Ocmulgee, up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjoined parts of our settled country, and render their intercourse secure; and the second particularly so, as, with the small point on the river, which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe to our citizens settled and settling on its extensive waters. The purchase from the Creeks too has been for some time particularly interesting to the State of Georgia.

The several treaties which have been mentioned will be submitted to both Houses of Congress for the exercise of their respective functions.

Deputations, now on their way to the seat of Government, from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us. A state of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some further relations which we have reason shortly to expect.

The recepts at the Treasury during the year ending on the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the Treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and an half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of November 10, 1803, authorized us to borrow $1,750,000, towards meeting the claims of our citizens, assumed by the convention with France. We have not, however, made use of this authority; because, the sum of four millions and an half, which remained in the Treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars, appropriated to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars, assumed by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels, recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On the first occasion of addressing Congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance, that I will exert my best endeavors to administer faithfully the Executive Department, and will zealously co-operate with you in every measure which may tend to secure the liberty, property, and personal safety, of our fellow-citizens, and to consolidate the republican forms and principles of our Government.

In the course of your session, you shall receive all the aid which I can give, for the despatch of public business, and all the information necessary for your deliberations, of which the interests of our own country, and the confidence reposed in us by others, will admit a communication. TH. JEFFERSON.

DECEMBER 3, 1805.

The Message was read and three hundred copies thereof ordered to be printed for the use of the Senate.

WEDNESDAY, December 4.

On motion that it be

Resolved, That a committee be appointed to examine the act, entitled "An act, to enable the people of the eastern division of the Territory Northwest of the river Ohio, to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes;" and that they have leave to report, by bill or otherwise, the manner, in their opinion, the money appropriated by the said act, ought to be applied:

It was agreed that this motion lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making an additional appropriation for the Naval service, during the year one thousand eight hundred and five," in which they desire the concurrence of the Senate.

The bill was read and ordered to the second reading.

The Senate proceeded to the election of a Chaplain, on their part, in pursuance of the resolution of the two Houses, and the ballots being collected, were, for Doctor GANTT, 15; Bishop CLAGGETT, 5; Mr. McCORMICK, 2. So the Reverend Doctor GANTT was elected a Chaplain to Congress, on the part of the Senate, during the present session.

TUESDAY, December 5.

BENJAMIN HOWLAND, from the State of Rhode Island, attended.

The bill, entitled "An act making an additional appropriation for the Naval service during the year one thousand eight hundred and five," was read the second time and referred to Messrs. MITCHILL, BRADLEY, and SUMTER, to consider and report thereon.

The following motion was submitted for consideration:

Resolved, That a committee be appointed to inquire into the expediency of appropriating a further sum of money to purchase maps and books for the library.

The Senate took into consideration the motion made yesterday for the appointment of a committee to examine the "Act to enable the people of the eastern division of the Territory Northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes;" and Messrs TRACY, ANDERSON, WORTHINGTON, ADAMS, and WRIGHT, were apponted the committee.

Mr. MITCHILL, from the committee to whom was referred this day the bill, entitled "An act making an additional appropriation for the Naval service during the year one thousand eight hundred and five," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

Resolved, That the Secretary of the Navy be requested to lay before the Senate the reasons why an additional appropriation is requisite for the Naval service for the current year.

FRIDAY, December 6.

The Senate took into consideration the motion made yesterday for the appointment of a committee to inquire into the expediency of appropriating a further sum of money to purchase maps and books for the Library; and, having agreed thereto, Messrs. MITCHILL, BALDWIN, and TRACY, were appointed the committee.

Resolved, That the committee appointed to inquire into the expediency of purchasing maps and books for the Library, be, and they are hereby, instructed to report what disposition, in their opinion, ought to be made of the one thousand volumes of laws ordered by law to be reserved for the disposal of Congress.

The PRESIDENT laid before the Senate a letter from the Secretary of the Navy, enclosing a report made in pursuance of the resolution of the Senate of yesterday.

The letter and report were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have appointed the Reverend Mr. GLENDIE, a Chaplain to Congress on their part during the present session.

The bill, entitled "An act making an additional appropriation for the Naval service during the year one thousand eight hundred and five," was read the third time and passed.

MONDAY, December 9.

JAMES JACKSON, from the State of Georgia, attended.

JOHN ADAIR, appointed a Senator by the Legislature of the State of Kentucky, in place of JOHN BRECKENRIDGE, Esq., resigned, produced his credentials, which were read; and the oath prescribed by law having been administered, he took his seat in the Senate.

A confidential Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

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

The depredations which have been committed on the commerce of the United States during a preceding war, by persons under the authority of Spain, are sufficiently known to all. These made it a duty to require from that Government indemnifications for our injured citizens; a convention was accordingly entered into between the Minister of the United States at Madrid, and the Minister of that Government for Foreign Affairs, by which it was agreed that spoliations committed by Spanish subjects, and carried into ports of Spain, should be paid for by that nation; and that those committed by French subjects, and carried into Spanish ports, should remain for further discussion. Before this convention was returned to Spain with our ratification, the transfer of Louisiana by France to the United States took place; an event as unexpected as disagreeable to Spain. From that moment she seemed to change her conduct and dispositions toward us. It was first manifested by her protest against the right of France to alienate Louisiana to us; which, however, was soon retracted, and the right confirmed: then high offence was manifested at the act of Congress establishing a collection district on the Mobile, although, by an authentic declaration, immediately made, it was expressly confined to our acknowledged limits; and she now refused to ratify the convention signed by her own Minister, under the eye of his Sovereign, unless we would consent to alterations of its terms, which would have affected our claims against her for the spoliations by French subjects carried into Spanish ports.

To obtain justice, as well as to restore friendship, I thought a special mission advisable; and accordingly appointed James Monroe, Minister Extraordinary and Plenipotentiary, to repair to Madrid, and, in conjunction with our Minister resident there, to endeavor to procure a ratification of the former convention, and to come to an understanding with Spain as to the boundaries of Louisiana. It appeared at once that her policy was to reserve herself for events, and, in the meantime, to keep our differences in an undetermined state. This will be evident from the papers now communicated to you. After nearly five months of fruitless endeavor to bring them to some definite and satisfactory result, our Ministers ended the conferences, without having been able to obtain indemnity for spoliations of any description, or any satisfaction as to the boundaries of Louisiana, other than a declaration that we had no rights eastward of the Iberville, and that our line to the west, was one which would have left us but a string of land on that bank of the river Mississippi. Our injured citizens were thus left without any prospect of retribution from the wrong-doer; and, as to boundary, each party was to take its own course. That which they have chosen to pursue, will appear from the documents now communicated. They authorize

the inference that it is their intention to advance on our possessions, until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions, to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them, but, when necessary, to repel an inroad, or to rescue a citizen or his property; and the Spanish officers remaining at New Orleans are required to depart without further delay. It ought to be noted here, that since the late change in the state of affairs in Europe, Spain has ordered her cruisers and courts to respect our treaty with her.

The conduct of France, and the part she may take in the misunderstandings between the United States and Spain, are too important to be unconsidered. She was prompt and decided in her declarations, that our demands on Spain for French spoliations carried into Spanish ports were included in the settlement between the United States and France: she took at once the ground that she had acquired no right from Spain, and had meant to deliver us none, eastward of the Iberville. Her silence as to the western boundary, leaving us to infer her opinion might be against Spain in that quarter. Whatever direction she might mean to give to these differences, it does not appear that she has contemplated their proceeding to actual rupture, or that, at the date of our last advices from Paris, her Government had any suspicion of the hostile attitude Spain had taken here; on the contrary, we have reason to believe that she was disposed to effect a settlement on a plan analogous to what our Ministers had proposed, and so comprehensive as to remove, as far as possible, the grounds of future collision and controversy on the eastern as well as western side of the Mississippi.

The present crisis in Europe is favorable for pressing such a settlement, and not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become much more difficult. Formal war is not necessary—it is not probable it will follow; but the protection of our citizens, the spirit and honor of our country, require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace.

But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information, and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue; and will pursue, with sincere zeal, that which they shall approve.

TH. JEFFERSON.

DECEMBER 6, 1805.

The Message was read, and ordered to lie for consideration.

The PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, enclosing the annual report prepared in obedience to the act, entitled "An act to establish the Treasury Department."

The report was read, and ordered to lie for consideration.

And on motion, the House adjourned.

TUESDAY, December 10.

ANDREW MOORE, from the State of Virginia, attended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

The enclosed documents relating to my Message of the 6th instant, not being ready at that date, I thought it better not to detain the Message, but to communicate these papers afterward as supplementary to those then sent. They are not of a nature to be deemed confidential.

TH. JEFFERSON.

DECEMBER 10, 1805.

The Message and documents were read, and ordered to lie for consideration.

WEDNESDAY, December 11.

The Senate spent the day in the consideration of Executive business.

THURSDAY, December 12.

Mr. BRADLEY gave notice that he should, on Monday next, move for leave to bring in a bill to prohibit the importation of certain persons therein described, into any port or place within the jurisdiction of the United States, from and after the first day of January, which will be in the year of our Lord 1808.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act prohibiting for a limited time the exportation of arms and ammunition from the United States and the Territories thereof," in which they desire the concurrence of the Senate.

The bill mentioned in the message was read, and ordered to a second reading.

FRIDAY, December 13.

The bill, entitled "An act prohibiting for a limited time the exportation of arms and ammunition from the United States and the Territories thereof," was read the second time, and referred to Messrs. BRADLEY, BALDWIN, and JACKSON, to consider and report thereon.

MONDAY, December 16.

GEORGE CLINTON, Vice President of the United States and President of the Senate, attended.

JOHN SMITH, from the State of Ohio, also attended.

A message from the House of Representatives informed the Senate that the House have appointed the Rev. Mr. LAURIE, Chaplain to Congress, on their part, during the present session, in place of the Rev. Mr. GLENDIE, who has declined his appointment.

Agreeably to notice given, on the 12th instant, Mr. BRADLEY asked leave to bring in a bill to prohibit the importation of slaves into any port or

place within the jurisdiction of the United States, from and after the first day of January, 1808.

TUESDAY, December 17.

The Senate resumed the motion made yesterday, for leave to bring in a bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808; and, after debate, the previous question was moved for, to wit: Shall the main question be now put? And the yeas and nays being required by one-fifth of the Senators present, on th previous question, it passed in the affirmative—yeas 16, nays 11, as follows:

YEAS—Messrs. Anderson, Bradley, Condit, Fenner, Howland, Kitchel, Logan, Maclay, Mitchill, Plumer, Smith of Maryland, Smith of Tennessee, Smith of Vermont, Stone, Thruston, and Worthington.

NAYS—Messrs. Adair, Adams, Baldwin, Gaillard, Gilman, Jackson, Moore, Pickering, Sumter, Tracy, and Wright.

And the yeas and nays being required, on the main question, by one-fifth of the Senators present, it passed in the affirmative—yeas 18, nays 9, as follows:

YEAS—Messrs. Anderson, Bradley, Condit, Fenner, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Plumer, Smith of Maryland, Smith of Tennessee, Smith of Vermont, Stone, Thruston, Worthington, and Wright.

NAYS—Messrs, Adair, Adams, Baldwin, Gaillard, Jackson, Moore, Pickering, Sumter, and Tracy.

So leave was given to bring in the bill, and it was read the first time.

WEDNESDAY, December 18.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Theodorick Armistead," in which they ask the concurrence of the Senate.

The bill was read, and ordered to the second reading.

Mr. LOGAN gave notice that he should to morrow ask leave to bring in a bill to suspend the commercial intercourse between the United States of America and the French Island of St. Domingo.

On motion, the bill to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord 1808, was read the second time, and the further consideration of the bill was postponed to the first Monday in December next.

THURSDAY, December 19.

The bill, entitled "An act for the relief of Theodorick Armistead," was read the second time, and referred to Messrs. TRACY, BALDWIN, and ANDERSON, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war;" also a bill, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia;" in which bills they desire the concurrence of the Senate.

The bills last mentioned were read and ordered to the second reading.

PROCEEDS OF PUBLIC LANDS.

Mr. TRACY, from the committee to whom was referred the examination of the act, entitled "An act to enable the people of the eastern division of the Territory Northwest of the river Ohio, to form a constitution and State government; and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes;" and to report the manner, in their opinion, the money appropriated by said act ought to be applied, made the following report, which was ordered to lie for consideration:

That, upon examination of the act aforesaid, they find the one-twentieth part of five per cent. of the net proceeds of the lands lying within the State of Ohio, and sold by Congress from and after the 30th day of June, 1802, is appropriated for the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the river Ohio, to said State, and through the same: such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass.

They find that, by a subsequent law passed on the 3d day of March, 1803, Congress appropriated three per cent. of the said five per cent. to laying out and making roads within the State of Ohio, leaving two per cent. of the appropriation contained in the first-mentioned law, unexpended; which now remains for "the laying out and making roads from the navigable waters emptying into the Atlantic, to the river Ohio, to said State."

They find that the net proceeds of sales of land in the State of Ohio, from July 1, 1802, to June 30, 1803, both inclusive, was - - - - $124,400 92
From 1st July, 1803, to June 30, 1804 - 176,203 35
From 1st July, 1804, to June 30, 1805 - 266,000 00
From 1st July, 1805, to September 30, 1805 - - - - - - - 66,000 00

Amounting in the whole, to - $632,604 27

Two per cent. on which sum amounts to $12,652.

Twelve thousand six hundred and fifty-two dollars were, therefore, on the first day of October last, subject to the uses directed by law, as mentioned in this report—and it will be discerned that the fund is constantly accumulating, and will, probably, by the time regular preparations can be made for its expenditure, amount to eighteen or twenty thousand dollars.

The committee have examined, as far as their limited time, and the scanty sources of facts within their reach would permit, the various routes which have been contemplated for laying out roads pursuant to the provisions of the act first mentioned in this report.

They find that the distance from Philadelphia to Pittsburg is three hundred and fourteen miles by the usual route, and on a straight line about two hundred and seventy.

From Philadelphia to the nearest point on the river Ohio, contiguous to the State of Ohio, which is probably between Steubenville and the mouth of Grave creek, the distance by the usual route is three hundred and sixty miles, and on a straight line, about three hundred and eight.

From Baltimore to the river Ohio, between the same points, and by the usual routes, is two hundred and seventy-five miles, and on a straight line, two hundred and twenty-four.

From this city, (Washington,) to the same points on the river Ohio, the distance is nearly the same as from Baltimore; probably the difference is not a plurality of miles.

From Richmond, in Virginia, to the nearest point on the river Ohio, the distance by the usual route is three hundred and seventy-seven miles; but new roads are opening which will shorten the distance fifty or sixty miles—two hundred and forty-seven miles of the contemplated road, from Richmond northwesterly, will be as good as the roads usually are in that country, but the remaining seventy or eighty miles are bad, for the present, and probably will remain so for a length of time, as there seems to be no existing inducement for the State of Virginia to incur the expense of making that part of the road passable.

From Baltimore to the Monongahela river, where the route from Baltimore to the Ohio river will intersect it, the distance, as usually travelled, is two hundred and eighteen miles, and on a straight line about one hundred and eighty-four. From this point, which is at or near Brownsville, boats can pass down with great facility to the State of Ohio, during a number of months in every year.

The above distances are not all stated from actual mensuration, but it is believed they are sufficiently correct for the present purpose.

The committee have not examined any routes northward of that leading from Philadelphia to the river Ohio, nor southward of that leading from Richmond, because they suppose the roads to be laid out must strike the river Ohio on some point contiguous to the State of Ohio, in order to satisfy the words of the law making the appropriation; the words are, "leading from the navigable waters emptying into the Atlantic, to the river Ohio, to the said State, and through the same."

The mercantile intercourse of the citizens of Ohio, with those of the Atlantic States, is chiefly in Philadelphia and Baltimore; not very extensive in the towns on the Potomac within the District of Columbia; and still less, with Richmond, in Virginia. At present, the greatest portion of their trade is with Philadelphia; but it is believed their trade is rapidly increasing with Baltimore, owing to the difference of distance in favor of Baltimore, and to the advantage of boating down the Monongahela river, from the point where the road strikes it, about seventy miles by water, and fifty by land, above Pittsburg,

The sum appropriated for laying out and making roads is so small, that the committee have thought it most expedient to direct an expenditure to one route only; they have therefore endeavored to fix on that which, for the present, will be most accommodating to the citizens of the State of Ohio, leaving to the future benevolence and policy of Congress, an extension of their operations on this or other routes, and an increase of the requisite fund, as the discoveries of experience may point out their expediency and necessity. The committee being fully convinced that a wise Government can never lose sight of an object so important as that of connecting a numerous and rapidly increasing population, spread upon a fertile and extensive country, with the Atlantic States, now separated from them by mountains, which, by industry and an expense moderate in comparison with the advantages, can be rendered passable.

The route from Richmond must necessarily approach the State of Ohio, in a part thinly inhabited; and which, from the nature of the soil, and other circumstances, must remain so, at least for a considerable time; and from the hilly and rough condition of the country, no roads are, or can can be, conveniently made leading to the principal population of the State of Ohio. These considerations have induced the committee to postpone, for the present, any further consideration of that route.

The spirit and perseverance of Pennsylvania are such, in the article of road-making, that no doubt can remain but they will, in a little time, complete a road from Philadelphia to Pittsburg, as good as the nature of the ground will permit. They are so particularly interested to facilitate the intercourse between their trading capital, Philadelphia, not only to Pittsburg, but also to the extensive country, within that State, on the Western waters, that they will of course surmount the difficulties presented by the Alleghany mountain, Chesnut Ridge, and Laurel Hill, the three great and almost exclusive impediments, which now exist on that route.

The State of Maryland, with no less spirit and perseverance, are engaged in making roads from Baltimore, and from the western boundary of the District of Columbia, through Fredericktown to Williamsport. Were the Government of the United States to direct the expenditure of the fund in contemplation upon either of these routes, for the present, in Pennsylvania or Maryland, it would probably so far interfere with the observations of the respective States, as to produce mischief instead of benefit; especially as the sum to be laid out by the United States is too inconsiderable, alone, to effect objects of such magnitude. But as the State of Maryland have no particular interest to extend their road across the mountains; and if they had it, it would be impracticable, because the State does not extend so far; the committee have thought it expedient to recommend the laying out and making a road from Cumberland, on the northerly bank of the Potomac, and within the State of Maryland, to the river Ohio, at the most convenient place between a point on the easterly bank of said river, opposite to Steubenville and the mouth of Grave creek, which empties into said river Ohio, a little below Wheeling, in Virginia. This route will meet and accommodate the roads leading from Baltimore and the District of Columbia; it will cross the Monongahela river, at or near Brownsville, sometimes called Redstone, where the advantage of boating can be taken, and from the point where it will probably intersect the river Ohio, there are now roads, or they can easily be made over feasible and proper ground, to and through the principal population of the State of Ohio.

Cumberland is situated at the eastern foot of the Alleghany mountains, about eighty miles from Williamsport by the usual route, which is circuitous, owing to a large bend in the Potomac, on the bank of which the road now runs; the distance on a straight line is not

more than fifty or fifty-five miles, over tolerable ground for a road, which will probably be opened by the State of Maryland, should the route be established over the mountains as contemplated by this report.

From Cumberland to the western extremity of Laurel Hill, by the route now travelled, the distance is sixty-six miles, and on a straight line about fifty-five; on this part of the route, the committee suppose the first and very considerable expenditures are specially necessary. From Laurel Hill to the Ohio river, by the usual route is about seventy miles, and on a straight line fifty-four or fifty-five; the road is tolerable, though capable of amelioration.

To carry into effect the principles arising from the foregoing facts, the committee present herewith a bill for the consideration of the Senate. They suppose that, to take the proper measures for carrying into effect the section of the law respecting a road or roads to the State of Ohio, is a duty imposed upon Congress by the law itself, and that a sense of duty will always be sufficient to insure the passage of the bill now offered to the Senate.

To enlarge upon the highly important considerations of cementing the union of our citizens located on the Western waters with those of the Atlantic States, would be an indelicacy offered to the understandings of the body to whom this report is addressed, as it might seem, to distrust them. But from the interesting nature of the subject, the committee are induced to ask the indulgence of a single observation.

Politicians have generally agreed that rivers unite the interests and promote the friendship of those who inhabit their banks; while mountains, on the contrary, tend to the disunion and estrangement of those who are separated by their intervention. In the present case, to make the crooked ways straight, and the rough ways smooth, will, in effect, remove the intervening mountains, and by facilitating the intercourse of our Western brethren with those on the Atlantic, substantially unite them *in interest*, which, the committee believe, is the most effectual cement of union applicable to the human race.

Mr. TRACY, also, from the committee last mentioned, reported a bill to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio; and the bill was read, and ordered to the second reading.

PUBLIC LANDS.

Mr. BRADLEY submitted the following resolutions; which were read, and ordered to lie for consideration:

Resolved, That one or more land offices be opened for the sale of the lands of the United States, on which the Indian title shall have been extinguished, in the State of Tennessee.

Resolved, That Commissioners be appointed, with ample powers, to settle all disputes relative to the lands ceded by North Carolina to the United States, and to quiet all claims, agreeable to the conditions of the cession.

Resolved, After satisfying all just claims, and the expenses incident thereto, that one —— part of all the public lands belonging to the United States, within the limits aforesaid, ought to be appropriated for the use of a college or university in said State, forever; one —— part for the use of schools for the instruction of children, forever; and five per cent. on the net proceeds of the sales of the public lands, for the purpose of making roads; *Provided*, The State of North Carolina shall consent to the appropriation aforesaid.

On motion the House adjourned.

FRIDAY, December 20.

JOHN SMITH, from the State of New York, attended.

The bill, entitled "An act making provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war," was read the second time, and referred to Messrs. ANDERSON, TRACY, and BALDWIN, to consider and report thereon.

The bill, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia," was read the second time, and referred to Messrs. BRADLEY, BALDWIN, and TRACY, to consider and report thereon.

The bill to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, was read the second time; and the further consideration of the bill made the order of the day for Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes, as is contained in the second section thereof;" also a bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the 30th of April, 1803, between the United States and the French Republic;" in which bills they desire the concurrence of the Senate.

The bills were read, and ordered to the second reading.

TRADE WITH ST. DOMINGO.

Agreeably to notice given on the 18th instant, Mr. LOGAN asked leave to bring in a bill to suspend the commercial intercourse between the United States of America and the French island of St. Domingo.

Mr. L. observed that the attention of Congress had been called to this subject by the President of the United States, at the commencement of the last session of Congress, in the following words:

"While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Complaints have been received, that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society. Its tendency to produce aggressions on the laws and rights of other nations, and to endanger the peace of our own, is so

obvious, that I doubt not you will adopt measures for restraining it effectually in future."

The first complaint alluded to in the Message of the President, is a letter addressed to the Secretary of State, by the Envoy of Great Britain, dated on the 31st of August, 1804, in which he observes:

"I have received information respecting several vessels which have of late been armed in, and have sailed from the different ports of the United States, some loaded with articles contraband of war, (gunpowder is said to be the general article,) others with cargoes of innocent goods, and others again in ballast. After the diligent inquiry which it has been my duty to make on so important a subject, I think that I can have the honor of stating to you with certainty, that several vessels of the above description, which are mentioned to be schooner rigged, have sailed lately from the port of Baltimore, whilst others of a larger size, even ships of considerable burden, and completely equipped for war, have sailed from the port of Philadelphia, bound to the possessions of His Majesty's enemies in the East as well as West Indies. It is said the object of some of these equipments is to force a trade with the blacks in the Island of St. Domingo, in which attempt the public prints have stated so circumstantially, as to leave no doubt on the subject, that two American vessels have been captured by French cruisers, after making resistance. But I have strong reason to believe, that the destination of others, particularly from the port of Philadelphia, have been with cargoes of contraband articles to the enemies' possessions in the East and West Indies.

"Let their destination, however, be what they may, it cannot, I conceive, but be justly considered, that such armaments, on the part of the citizens of a neutral State, must be attended with consequences prejudicial to a belligerent Power, and may, therefore, be deemed rightly as offensive, for which reason the law of nations has stated one of the first obligations of neutrality to be that of abstaining from all participation in warlike expeditions. The armed vessels alluded to, may become the property of the King's enemies either by capture at sea, or by purchase in the ports to which they are destined, and are thus in readiness to be converted immediately into instruments of hostility against His Majesty, whilst in another point of view they are calculated to protect the vessels when they are loaded with contraband articles, against the lawful search and detention of a lawfully commissioned cruiser, when the latter shall be of inferior force. Indeed, I conceive that it may not be giving too great an extent to the principle of the law of nations, without attending to the nature of the cargo, to consider the very arms, ammunition, and other implements of war, with which such vessels are furnished as contraband articles, when the vessels have been thus equipped without the authority of the nation to which they belong.

"I understand, sir, that the armanents in question have in fact taken place under no commission or authority whatever from the Government of the United States. I have therefore thought it my duty to have the honor of making you acquainted with the information that has reached me on this subject, and if the observations which I have taken the liberty to make upon it should happily be conformable to the sentiments of the American Government, I can safely trust to their justice, as well as to their jealousy of observing the most strict neutrality in the present war, to take such measures as shall appear to them the most proper for suppressing the illegal proceedings complained of on the part of those individuals, citizens of the United States, who shall appear to be concerned in them."

In a letter from the Chargé des Affaires of France dated the 7th of May, 1804, and addressed to the Secretary of State, he observes:

"The undersigned is informed, in a manner which leaves him no room to doubt it, that the American merchants, who pursue this commerce (meaning the commerce with St. Domingo) publicly arm, in the ports of the United States, vessels which are intended to support by force a traffic contrary to the law of nations, and to repel the efforts which the cruisers of the French Republic are authorized to make in order to prevent it. These armaments have also for their object to cover the conveyance of munitions to the revolted of that colony. The Government of the United States cannot be ignorant of these facts, which are public; the consequences thereof have already been manifested in the West Indies, where the public papers advise that there have been actions between the French cruisers and American vessels carrying on this commerce. In considering the matter merely under the view of the law of nations, it is manifest that American citizens, under the very eyes of their Government, carry on a private and piratical war against a Power with which the United States are at peace. The undersigned would be wanting in his duty if he did not vindicate, under such circumstances, the rights and dignity of his Government, which are openly injured, and if he did not call the attention of Mr. Madison to the disagreeable reflection which the French Government would have a right to make, if the silence of the local authorities respecting acts of this nature should be imitated by the Government of the United States."

"The French Government certainly could not see without a profound regret, that after having given to the United States the most marked proofs of the desire to place the good understanding of the two nations upon the most immoveable foundations, by abandoning national interests which might have eventually produced collisions, individual interest should now be permitted to compromit this good understanding. Its regret would be still much greater, if, when the dignity and safety of France are openly injured in the United States, by their citizens, the American Government should preserve, respecting these violations, a silence which would appear to offer an excuse, and even a sort of encouragement, to all the excesses which cupidity may attempt. Besides, that the peace of the two nations cannot but be seriously compromitted by the proceedings of the individuals, and by the reprisals to which they must necessarily lead, this state of things would infallibly tend to diminish the amicable disposition which the two Governments wish to cultivate."

Mr. L. observed that the commerce as carried on by the citizens of the United States is not only a violation of the law of nations, which the United States as an independent nation is bound to obey, but is in direct violation of a treaty made in 1800, between the United States and France: a treaty on the most liberal principles as to the rights of neutrals, and highly advantageous and honorable to both nations.

To remedy the evils complained of, a law was enacted during the last session of Congress to regulate the clearance of armed merchant vessels; this act has operated as a deception, as, since the publi-

cation of the law, the trade with St. Domingo has been carried on to as great if not greater extent than formerly. The only merit of the arming law, is, that in a national view it removes the responsibility from the individual who may be engaged in the trade, to the Government by which it is authorized.

Whilst we are anxious to have our own national rights respected, is it honorable to violate the rights of a friendly Power with whom we are at peace? or is it sound policy to cherish the black population of St. Domingo whilst we have a similar population in our Southern States, in which should an insurrection take place, the Government of the United States is bound to render effectual aid to our fellow-citizens in that part of the Union? Mr. L. concluded by observing that in bringing forward the bill under consideration, he was not influenced by views of friendship towards England or France, but to preserve the immediate honor and future peace of the United States.

Mr. ADAMS.—Mr. President: Had the gentleman who asks leave to introduce this bill, assigned any new reasons as the foundation of his motion, whatever my opinion might have been upon their merits, I should not think it proper to combat them at this time; but the object of the bill is so simple, that its details are immaterial. Its purpose is totally to prohibit a branch of our commerce, which at the last session of the Legislature was proved to be of great importance to the country. Unless, therefore, a majority of the Senate should be of opinion that the bill ought to pass, it appears to me that the present is the stage at which it ought to be arrested: since the mere discussion of the question, and pendency of the measure before Congress, may have an unfavorable effect upon the commercial interest, or at least injuriously affect individual merchants, in the course of their affairs.

It is well known to every member upon this floor, and to the public in general, that the same gentleman who now wishes to introduce this bill, at the last session of Congress made a motion for leave to bring it in at that time, which was rejected; and I expected that on its renewal at this time he would have alleged some new grounds for the measure; but in this expectation I have been disappointed. He tells us, indeed, that unless we do prohibit this commerce it will inevitably lead us into a war with the French Republic. I have certainly no more disposition than any gentleman here to be at war with the French Republic; but, excepting that gentleman's assertion, (to which I am willing to give all the credit which it can be entitled to,) what particle of evidence have we that the St. Domingo trade will expose us to any such danger? What evidence has the gentleman himself alleged in support of his assertion? Why, sir, he has read to us a part of the President's Message, at the opening of the last session of Congress; and a correspondence between the British and French Ministers, and the Secretary of State, six or nine months previous to that time, and complaining that some of our merchant vessels were armed. It is surely needless for me to mention in this House that in consequence of that very passage in the President's Message of last year, and of those very complaints of those foreign Ministers, a bill did actually pass both Houses of Congress, after a long and ample discussion of the subject; which bill was intended to remove those causes of complaint, and is now in force. This bill I have understood was satisfactory on all hands, and it has been within a very few days declared by a member of this body, in his place, to have given satisfaction to the French Government in particular, nor has that information been contradicted. This conclusion indeed may be inferred from the tenor of the President's communication to Congress at the commencement of the present session. If any intimation of complaints from foreign Powers relative to this subject, is contained in this message, it has escaped my attention, and I can indeed safely affirm there is none. And is not this silence itself, a strong, an irresistible proof that no such complaints have been made, but that the measures adopted by Congress at the last session have been satisfactory? Believing it as I do, and that no needless interference of the Government with the regular course of commercial transactions ought ever to be countenanced, I hope the gentleman from Pennsylvania (Mr. LOGAN) will not have leave to bring in this bill.

Mr. JACKSON seconded Mr. LOGAN'S motion, and in reply to Mr. ADAMS said, that he wished Mr. LOGAN to make it an annual motion, as Mr. Sawbridge had, in the Parliament of England, to reduce septennial Parliaments, but with more effect, until the trade so highly dishonorable to national character was annihilated. As to Mr. ADAMS'S observations that the bill was not allowed to be brought in last session, and that he had heard no new arguments, he would answer the gentleman by asking what new arguments had been advanced on the bill to prohibit the importation of slaves, when leave was given two days since to bring in the bill, and the same arguments had been rung in our ears by Quakers and others, ever since the Constitution had been in operation, and not a new one had been produced. He said that the day would come when this dishonorable traffic would be rued by the United States; that day must arrive when a general peace would take place, when the present hostilities must cease; that it must and would then become the interest of every nation of Europe, having colonies in the West Indies, to extirpate this horde or ship them off to some other place. That the United States, by affording them succor, arms, ammunition, and provisions, must be considered by them as their allies—their supporters and their protectors. That he believed the United States would be viewed in this light by the French Government and by themselves, and that they would demand and expect us to grant them an asylum as allies and protectors, and send them to our coast. This was no novelty, and he had received information from a late celebrated French General, given in a public company at the city of Washton where he boarded, and the General was one who dined there; that arrangements had been made, if General Le Clerc had been victorious, to

send those brigands to the Southern States. This was a melancholy subject for South Carolina and Georgia, and one of those brigands introduced into the Southern States was worse than an hundred importations of blacks from Africa, and more dangerous to the United States.

Mr. S. SMITH.—Mr. President: Had the honorable mover produced any new document, or given us any new information, I certainly should have given my vote that he should have the leave required; or had the Senate been composed of the same members as those of the last year, I should have contented myself by giving a silent vote on the question. An addition being made to the Senate of several new members, it may not be improper to state, that this subject was at the last session presented to the view of Congress by the President. A bill was predicated thereon, and after great consideration and lengthy discussion passed into a law. Has the mover produced to the Senate any document to show that France is not satisfied with what has been done? Does the gentleman know that any new complaint has been made? I know of none, and I, therefore, think it fair to presume that France has been fully satisfied with the law already passed. The gentleman has said that both the French and British Ministers have considered the trade to St. Domingo as contrary to the law of nations. I see nothing of the kind in the note from the British Minister. I have no doubt of the British being disposed to interdict that branch of trade as they have done almost all our other most lucrative commerce. Had the gentleman brought forward a bill to interdict all trade with Great Britain, he might have produced many more reasons in its support than he has been pleased to offer in support of the bill proposed. But what is this law of nations? Is it the written law, or that law assumed by nations who have the most power? If the gentlemen mean the written law, I must believe that they are mistaken. I have somewhere read, that when a part of a State separates itself, and is capable of supporting that separation, forms for itself a government, and fully conducts its own affairs, that other nations do not infringe this law by trading or commencing a friendly intercourse with such part.

We are told that a celebrated French General since here has said, that had General Le Clerc succeeded, he meant to have landed all the blacks of St. Domingo on our southern shores. This may be—but, sir, it is not probable. If such, however, had been his intention, it could not have arisen from resentment on account of our commerce, for we had been of the greatest utility to him and his army, and had then carried on no commerce that was not fully sanctioned by France. Nay, I might say, that owing to the supplies from the United States, the colony of St. Domingo had been preserved to the mother country until the arrival of General Le Clerc. Unless, Mr. President, the honorable mover shall produce some new information, I shall be under the necessity of voting against leave to bring in this bill.

Mr. MITCHILL, in a speech of considerable length and detail, stated his objections to giving leave.

He complimented his friend from Pennsylvania, for the purity of his motives in bringing forward the present motion. But he could not refrain from an expression of his surprise, and even his regret, that the subject had been moved again in the Senate.

During the last session of Congress, the whole of the intercourse with St. Domingo had undergone a full investigation. While the bill regulating the clearance of armed merchant vessels was under discussion, that part of our foreign commerce had been minutely examined. It would be remembered that the bill had been committed, recommitted, amended, and modified, with the utmost labor and skill. Besides the talents which the Senate afforded, all the sources of Executive information had been drained, to aid their researches. And the letters of the British and French Ministers, complaining of the conduct of our merchants in forcing this trade, were opened to our view. The crude material of the bill had been hammered at and worked upon so elaborately, at to have as last received the complete burnish of a law. With all the knowledge that could be derived from so many quarters, the bill was at length passed to check the violence of our navigators, and to restrain the adventurous zeal of our merchants. The provisions of this law, were such as it was deemed just and proper that a neutral nation should take. And this was a liberal condescension to the wishes of the two great maritime and belligerent Powers, without forgetting the respect that we owed to our own. With both these he wished to cultivate peace and good understanding; but to neither of them would he consent to yield any portion of our neutral and national rights.

The difficulties exhibited in the ministerial correspondence, Mr. M. said were thus removed. With a promptitude that deserved to be admired, Congress interposed its authority, for the purpose at once of doing justice to our neighbors, regulating our commerce, and tranquilizing the Mexican seas. With these salutary provisions, he believed the two complaining nations had been satisfied. At least we had done so much that they ought in all reason to be content. Congress had already manifested a due regard to all that France and Great Britain had offered upon the branch of West Indian commerce, and in the true spirit of good neighborhood, and correct principle, had modified and restricted the intercourse with Hayti. And so fully did the Europeans seem to acquiesce in our conduct, that he had not heard any further remonstrances made by either of them about it. He thought the observations of the gentleman from Massachusetts (Mr. ADAMS) very much in point. Under a conviction that we had done as much as public faith and national honor required, he had given his vote against the introduction of a similar bill during the last session. Nothing had occurred from that time to this day, to alter the circumstances of the case, or to make it necessary for him to change his conduct. He thought now,

as he did then, that there was danger of overacting our part and of doing too much; of being good to our neighbors, to such a degree, and in such a manner, as to be very cruel to ourselves.

After all this condescension on our part, after inquiring into the alleged misconduct of our people, and taking immediate measures to prevent the repetition, and after having done all we politically could or that we honorably ought, the subject is once more introduced to the Senate. It comes now, not from the Executive Department, not from the cabinets of the nations concerned, nor from the recommendation of a Senatorial committee, but from the suggestions of an individual member of our own body.

The commerce of the United States, he said, was an astonishing spectacle. It reached from Arctic to Antarctic, and was coextensive with the circumference of the globe. Most of the inhabited countries of the earth were visited by our navigators, and the striped flag of the Union fluttered in the remotest harbors. Our countrymen have made material additions to the science of geography. They have found markets unknown to commercial men before. They have derived cargoes from the depths of the ocean, and laid the cod, the seal, and the whale, under contribution. They have exported the productions of their own happy country, so fertile in the articles which sustain and cherish life, to all places where they were wanted, and brought home the crude materials or the manufactures of those regions in return. By an energy and enterprise unexampled in the history of the human species, they have excited the jealousy of foreigners, who are not only behind them in mercantile exertion, but who cannot weigh an anchor or reef a topsail equal to them.

Such was our situation—peaceful, industrious, and desirous of measuring out liberal justice to all our neighbors. But this was no protection against commercial rivalship. Emulation and competition existed in all callings and professions. Mercantile jealousy had been alarmed by it. Experience had shown to the most active of them that they were unsuccessful competitors. What was the consequence? They had endeavored to interrupt by force or stratagem, that predominant trade which they could not outdo or equal by fair means. In the havens of Britain the port charges were of the most exorbitant kind. The money paid by us for passing their light-houses was excessive. The fees for performing quarantine were out of all proportion to the good expected, or service done. Convoy duties were also frequently exacted; and the custom-houses collected a higher rate of charge upon merchandise exported to the United States than to any part of Europe. In addition to all this, the cruisers of that nation had made the most ungenerous abuse of the power of searching our vessels. They had taken out and impressed into their service emigrants coming to our country. They had violently drawn into their service our seamen, natives of our land. Naturalized foreigners had not been spared. Our neutrality had been violated by their forcing our impressed citizens to fight against the political friends of their country. Our ships had been frequently detained and spoiled on the high seas; and their officers and crews grossly insulted. Vessels bearing the variegated stripes and constellated stars of our Union had been sent to distant British ports for adjudication. Cargoes had been condemned under the most arbitrary pretexts, and our merchants and underwriters, by the process of an *ex parte* trial, stripped of their property. Our ports had been blockaded. The public authority in our very harbors had been defied, and the armed vessels of the nation had been fired at. And, to crown the whole, the same nation, instigated by the like jealous and invidious considerations, seem bent upon prohibiting our carrying trade in colonial produce, and resolved to reduce us once more to the dependence of provinces.

Are we, sir, already come to this? You [the Vice President, Mr. CLINTON, was in the Chair] well remember the effects wrought by the injurious proceedings of the British Parliament in 1774. You bore a noble and manly part in the struggles of freemen against oppression at that day. Thirty years ago, you and your patriotic associates could form a general non-importation agreement, and, despising the luxuries of the mother country, and superior to her prowess, you, spirits of freedom, achieved our glorious Revolution. If the case requires it, may we not do this again? If we must curtail our commerce by our own statutes, it is certainly a better policy to retaliate upon an adversary in that way, than to abandon to her, as the proposed bill contemplates, a lucrative portion of our trade. Surely, laboring as we do, under all these embarrassments, a proposition for lessening our navigation and forbidding our ships to frequent the open ocean, would hardly have been expected from one of our own body.

For my own part, said Mr. M., I think the St. Domingo commerce is no great thing in itself. We might do exceedingly well without it; and I am very far from approving the means by which it has been carried on; but I dislike the idea of forbidding it, at the mandate of a foreign Power. Like our Revolutionary patriots, let us put our foot here, and hence refuse to budge. It is not for us to legislate at the nod or bidding of any nation. I hope we understand our business better than to register edicts for them; while we pay due respect to others, it becomes us also to respect ourselves. The precedent is a dangerous one. If we agree to interdict this intercourse, we may, at the next session, be informed that we ought to withdraw from some other important port or region. When we are found to be so complying to one nation, we shall be subjected to a like request or menace from another, until, sir, our flag shall be furled in one foreign port after another, and nothing be left us but the coasting trade at home. The sad consequences have been ably portrayed by the gentleman from Maryland, (Mr. SAMUEL SMITH.)

There was another reason evincing the unseasonableness of the proposition at the present time. This was a disastrous and eventful era of our commerce. The merchants in every seaport of

the nation were assembling to consider their losses from the rapacity of the belligerent Powers, and submit them to the consideration of Congress. It would be better to wait for the statements that such a practical class of men should make. Our judgments would be aided by the facts which their memorials would contain.

Mr. M. then considered the prohibition in the Constitution on Congress as to the laying of export duties, and said that the exportation of our domestic productions, so necessary to our country, and so cautiously guarded, ought not to be interrupted by any spontaneous regulations of our own. He was an advocate for the *mare liberum*. He wished a wide and open market for the beef, pork, fish, flour, rice, and cotton, of the country.

He then adverted to the operation which a restrained commerce would have upon agriculture. With the ceasing of exports, this great spring to the planter's and grazier's industry is at once taken away; the plough would stop; and it would be melancholy to see the fair and enchanting face of our country degenerate to the savage state, and yield naught but the unthrifty crop of weeds and brambles.

Turning, then, to ship-building and its cluster of attendant trades and arts, he feared that it would fall into neglect. That employment which gives, perhaps, the grandest idea of the skill of man, would be discontinued, and the inhabitants of our seaports be forced back to the country to keep them from starving.

Nor was this revenue to be omitted in the enumeration. As far as the imports from Hayti are consumed by our citizens, so far the revenue is aided; and, if exported under drawback, the carrying trade is helped by the transportation, and the return cargo, whether of brandy, wines, hardware, or dry goods, may be expected to afford an ad valorem or specific contribution to the Treasury.

A word or two concerning the situation of France in this affair, he should beg leave to offer. The coffee and sugar of that productive island had reached the ports of that empire in American bottoms. And, in return, the productions and manufactures of France had been carried by the same conveyance to the revolted colony of black freemen. It was presumable such an intercourse would give to France several of the benefits of a direct commerce. And, as our act of the last session had yielded to her the sovereignty, he did not think that, in the exciting intermediate state between rebellion and revolution among the Haytians France had any just cause of displeasure against us. If she had, the numberless captures and depredations done under her flag, must have given her the most ample satisfaction. Under these impressions, he judged it neither politic nor necessary to legislate further on the subject, and should, consequently, say No to the motion.

Mr. HILLHOUSE said, he hoped the question would be taken by yeas and nays, because he confidently expected there would be a great majority of the Senate opposed to giving leave to bring in the bill, for he considered the measure not only as improper, but as ill-timed.

We are informed, by the Message of the President of the United States and the documents before us, that depredations are made on our commerce on all quarters, and our citizens not only robbed of their property, but in some instances subjected to personal insult and injury; it is also well known that Congress have received confidential communications from the President, and are deliberating with closed doors. The general expectation is that something energetic and spirited will be done in defence of our neutral rights and national honor. How great will be the surprise if the first step taken by the Senate of the United States is found to be a further restriction, or a total prohibition, of a lawful and lucrative branch of our commerce? As to restricting or prohibiting this trade to St. Domingo (which no gentleman has produced a single authority from the law of nations to prove to be unlawful) for the purpose of securing our citizens from the personal insults and injuries to which they are exposed in the West Indies, he could not approve it; a more proper and dignified course he thought would be to send armed ships into those seas, to capture or demolish those bucaniers and pirates, who rob us of our property, and insult and murder our citizens. They are a banditti whom no nation will own, or admit, to be acting under their authority, though sailing under their flag, and whom it is not in the power of such nation to restrain.

The gentleman from Georgia has told us that the conflict in St. Domingo is that of masters attempting to reclaim their slaves, and that if the United States suffer the trade to be carried on, we shall be considered as aiding and upholding those slaves, and give offence to France. And that when peace shall take place in Europe, the French will transport those negroes by thousands to the shores of South Carolina and Georgia, to the endangering the lives of the citizens of those States. This Mr. H. considered as a bugbear, with which we ought not to be frightened, for, as to the warfare in St. Domingo being a mere conflict between master and slave, it will be well remembered that the French Republic long ago liberated all the slaves in that island, and declared them free. As to the citizens of the United States carrying arms and military stores to the enemies of France, the law of nations has declared the penalty, which is a forfeiture of the property, and the United States can in no way be implicated thereby. And as to France landing those negroes on our shores, he said there was power, and he believed there would be found a disposition in the people of the United States to repel such an insult; for if we cannot prevent France or any other Power from invading our territory and insulting our national honor, by landing their outcasts upon our shores, we shall no longer deserve the name of an independent nation.

Mr. JACKSON, in reply to Mr. SMITH and Mr. MITCHILL, confessed he had seen no official document, other than what the honorable mover had read, but he had seen at Newcastle, in Delaware, a whole fleet bound to St. Domingo, to force a trade which even captains of vessels, true Ameri-

cans, cried shame on. That the honorable gentleman had called out, why had not the mover brought forward a resolution against Britain or some other Power who had committed depredations on our commerce! Mr. J. said he wished to begin here, by preventing our own merchants from doing injury to other nations, and then to strike at those who insulted us. He for himself was prepared and willing to attack the first Power who had insulted us with far more superior weapons than arming our ships. He was an agricultural man, and would suffer with the flour makers; but he would call on the honorable gentleman either from Maryland, from New York, from Massachusetts, or Connecticut, to strike at Great Britain or any other nation who had injured us, by a resolution of prohibition of trade or intercourse, and he was the man who would second it and keep it on till the injuring nation should cry *peccavi*—keep it on one twelvemonth, and you would see them all at your feet. Look at the Legislature of Jamaica petitioning their Governor from time to time for American intercourse. Look at Trinidad, the same, in a state of famine. Sir, we have no favors to ask the nations of the earth; they must ask them of us, or their West India colonies must starve.

That however, with respect to documents, he would inform the gentleman from Maryland, that he had seen, though not official, a letter from General Ferrand, Governor of St. Domingo, and which was published in all the principal newspapers of the United States, complaining to the French Government on this subject, and laying all the blame to the American Government, if not in direct, in the most severe indirect terms. That as to the total separation of the self-created Emperor and nation of Hayti, and its independence of the parent country, and under which gentlemen declared our rights of trade founded on the laws of nations—the late attack on that General by the Emperor proved it did not exist: he was defeated, his army scattered and driven to the mountains; that Ferrand held the island as French Governor for the French nation, and the separation was not such as to warrant the arguments used for a right to trade. It would be a fatal argument used against us as respected our Southern States by other Powers. On the same grounds, a parcel of runaways and outcasts from South Carolina and Georgia, to the amount of some hundreds, now collected on or near the Okefonokee swamp in Georgia, might be termed an independent society; or if an insurrection took place in those States, the rebellious horde, on creating an emperor, be supplied with arms and ammunition, as a separate and independent nation. This, as the honorable gentleman from Connecticut had been pleased to term his fears bugbears, might be no bugbear to him, safe and remote from the scene of action, near New Haven; but it was a serious bugbear to him, and would be to the whole southern country, where the horrid scenes of that island would be reacted, their property destroyed, and their families massacred. The honorable gentleman from New York, too, had been pleased to term them bugbears, but had raised up a number of his own to prevent the passing of the bill—he had drawn a most lamentable picture of the state of this country, if this dishonorable trade to this small part of the commercial world was interdicted. Commerce was to languish and agriculture to be annihilated—our fields were to grow up in briers and thorns, and even verdure to disappear. Mr. J. said he did not believe this. The United States, if all the Powers on earth were opposed to us, had within herself enough to eat, to drink, and to clothe her citizens; this was not the case with other Powers. Not a nation existed, which had West India colonies, but was more or less dependent on us, and could not do without us—they must come to our terms or starve. On with your embargo, and in nine months they must lay at your feet. It was certain that we should suffer for that time, but he was willing, and he knew the Southern country willing to submit to it; and at the end of it our fields would resume their usual verdure, and the thorns and briers be rooted out.

The honorable gentleman from Maryland had told us of the blockade of Cadiz, and that Hispaniola was the only vent now for our flour; but he believed even the blockade of Cadiz was not so strict in that respect, as the honorable gentleman had mentioned; he would read a line from Lord Mulgrave to Mr. Monroe on that head. [Here Mr. J. read part of it, but found it more strict than he had thought, and gave that point up.] But Mr. President, said Mr. J., is Cadiz the only market in Europe for our flour? From the Texel to the Baltic and Mediterranean, there are hundreds of ports at which our flour is vented.

Mr. J. made a number of other remarks, and concluded that he thought the passage of the bill absolutely necessary, for the honor and safety of the country; and as to the information he had received from a late celebrated French General, it was corroborated by the acts of Le Clerc and Rochambeau themselves. That the most daring brigands were forced by those officers on board American vessels, the captains of which were compelled to bring them to the United States, contrary to the laws of their own country. This had been a matter of serious alarm, not only to the Southern States, but to the Middle and Northern States. At any rate, he hoped the bill would be received, if it was only to inform merchants trading to Hispaniola, of the sense of Congress, that the trade must cease; this was the point on which the slave bill had been received. That he wished to begin with this trade first, and he believed striking at that was striking at the British, for he had been informed at Newcastle that the St. Domingo fleet, then there, was owned by British merchants, and supplied from British capital, under the protection of our flag, which had to bear all the disgrace of this illicit traffic.

Mr. S. SMITH.—I am not concious, Mr. President, that I said, (as charged by the honorable mover,) that the trade to St. Domingo was the only great, the only important commerce of the United States. It was an assertion that it was

not possible I could have made. I did, however, consider it a branch of commerce highly important to the United States, inasmuch as that island does draw from us all its provisions of every kind; its clothing and luxuries: that is, that half a million of people are almost exclusively supplied with all their wants by the commerce and agriculture of the United States; and that good reasons should be assigned before we ought to be induced to relinquish so important a branch. I did state that flour, salted beef and pork, fish, rice, and tobacco, furnished a considerable portion of the means with which that commerce was pursued; and that if interdicted, it would have a serious operation on the prices of some of them. The gentleman from Georgia has supposed that there would be a sufficient outlet for our flour in the ports between the Texel and the Baltic. Those ports, Mr. President, export wheat; I never knew a barrel of flour shipped from the United States to either of them—they are our competitors. Mr. President, we are advised by the same honorable gentleman to begin by interdicting this trade, and then proceed on to those who have oppressed our commerce. This, sir, is a curious mode, to begin to interdict the trade to those against whom the United States have no cause of complaint, that we may be justified in breaking our commercial relations with those who have oppressed our trade in every quarter of the globe.

The honorable mover has said, let us look at our commerce and see how it is affected. I wish the gentleman had done us that favor—he mentioned the East Indies, but there he stopped short, and left to each of us to look at our commerce in our own way, without the promised benefit of his instruction. I will, Mr. President, take leave to present to the Senate, a short view of some of its branches. That to the East Indies, has been conducted in two ways—the one, by exporting specie, and purchasing therewith the cotton goods of the British dominions; the teas, china, and nankeens of China; the sugar, coffee, and pepper, of the Dutch, French, and native possessions: the other mode, by shipping from Europe the goods best suited for India, and vesting their proceeds in the articles already stated, with which our ships proceed to some port in Europe, or return home direct. The most beneficial part of this commerce is now interdicted with Great Britain. Her King says (and his admiralty court obeys) that the ships of the United States shall not carry on a trade in the time of war to the colony of his enemies, not permitted by such enemy in time of peace. From this general rule, he has (as he says) as matter of favor relaxed at different times. During the last war, he relaxed so far as to permit neutrals to carry from their own country to the colony of his enemy, and return direct to the nation of the neutral ships, where he insisted that the cargo must be landed; but consented that it might be reshipped in the same or any other ship for any port in Europe or elsewhere. But he absolutely forbid us to go with our cargoes from India to any other country in Europe than Great Britain.

He has, Mr. President, since the war, withdrawn a part of that high favor; and now the ships of the United States are interdicted by Great Britain from proceeding from Europe with goods to any part of the East Indies. Nay, it is the opinion of one of their most learned doctors of law, that it would even be dangerous for our ships to proceed from Europe to the East Indies with specie. He has interdicted us from proceeding from his enemies' colony, and from the East Indies generally even to his own ports in Europe, or from one port in the East Indies to another; he denies us the liberty of exporting the articles imported into the United States from his enemies' colony in the same ships in which they were imported, (although the same be landed and the duties paid,) or even in any other ship, for account of the person who was the importer. From this view it will appear, that our India trade is greatly restricted. Thus it has lost part of its importance. An important branch of our commerce was, in time of peace, to Cadiz, with flour, part of which flour was reshipped by a company to Cuba; that trade ceased with the war. Great Britain blockades Cadiz, and condemns our ships that attempt to go in. We supply Cuba with flour, rice, and salted meat; and bring from thence sugar, molasses, &c. This trade Great Britain as yet permits (through her great benevolence) provided you go to and come from the single port of Havana; but condemns your ships if they are found coming from any other port in the island. For this pittance of trade to Havana we are at the mercy of Great Britain. She may (agreeably to her law of nations) deprive us of it at any moment, and if we can judge of what she will do, by what she has done, we must expect she will (without notice) cause all our ships found trading with the colony of her enemy, to be seized—her courts will condemn.

Great Britain has interdicted or molested our trade to St. Domingo. It was left for the honorable mover to propose to deprive his country of that valuable branch of our commerce, and he says it out of compliment to what he supposes to be the desire of France. He shows us no document to induce us to believe that nation would wish it. Judging (as I do) from what would be the interest of France, I am induced to believe that she will not be obliged to the mover. It is her interest that Great Britain should not have the benefit of the commerce of St. Domingo. If we interdict this trade, Great Britain will have the whole; she will have the monopoly which she asked, and which Dessalines refused to give her; and she will then aid him against Ferrand—blockade the city of St. Domingo by sea, while the blacks attack him by land. General Ferrand may in such case soon be starved into submission. The supplying that island and drawing all her valuable products into England, will enable Great Britain to pay a handsome annual subsidy to any of the Powers of Europe. The interdiction of our trade will enrich England and do no benefit to France. What effect may it produce, as it respects us, is a serious question. I fear it will

create another piratical Power. The Haytians will have provisions if they are to be found on the ocean; the interdiction will be considered by them as the declaration of war, the worst of all wars; a war with a view to starve them. They will send out their vessels of war, (for they have armed vessels,) they will take your unarmed ships bound to Jamaica, to the Spanish Main, to Curracoa, and molest your trade to Cuba; they are upon the high road of your trade from Europe to New Orleans; they will destroy it; you will compel them to be a maritime power; they will soon make it necessary for you to surround their island with an armed fleet. But, it will be asked, of what advantage is our having the trade to the mother country (France.) I have already stated that we prevent its wealth from going to her enemy; but this is not the only advantage—our ships carry to France the coffee we draw from St. Domingo; the cotton, rice, and tobacco of our country, and receive in return the wines, brandy, soap, and dry goods of France, which are landed in the United States and form a large proportion of the cargoes sent to that island. Thus then France (in truth) supplies "as formerly" the people of St. Domingo with its manufactures and products, to the enriching of that nation. The moment we stop that trade, France will furnish no more. Great Britain will supply the whole. The Haytians will find supplies, whether we are the carriers or not; their coffee will procure them all they want; we shall be exposed to the necessity of keeping an expensive fleet; Great Britain will be enriched, and France will lose the advantage in which she now partakes. These are some of the reasons that have induced me to presume that the silence of France is owing to her knowledge of the consequences that would result from our interdicting that trade.

The gentleman ought to have informed us of the consequences that may result to our finances from his plan; had he informed himself, he would, I must believe, have hesitated. Sir, it will take from the United States a revenue of at least two hundred thousand dollars per annum. Let gentlemen look to the report from the Treasury, they will there see that our neutral position—in other words, our carrying for other nations—has given us a revenue of two millions per annum for three years of the last Presidential term. The year 1802, being a year of peace, our revenue fell short of the average product of the other three years to that amount. St. Domingo contributed at least the sum mentioned (I think much more) towards these two millions gained by the carrying trade.

I again beg leave to mention that we are asked to make this sacrifice without being (so far as we know) requested thereto, either by our own Government or that of France.

After a few replicatory remarks from Mr. LOGAN, the consideration of the subject was postponed to Monday.

MONDAY, December 23.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

The Governor and Presiding Judge of the Territory of Michigan have made a report to me of the state of that Territory; several matters in which, being within the reach of Legislative authority only, I lay the report before Congress. TH. JEFFERSON.

DECEMBER 23, 1805.

The Message and report therein mentioned were read, and referred to Messrs. TRACY, WORTHINGTON, and BALDWIN, to consider and report thereon.

TUESDAY, December 24.

Mr. LOGAN presented the memorial of the Chamber of Commerce of the city of Philadelphia, signed Thomas Fitzsimmons, Chairman, stating the expediency of enlarging the piers already constructed in the river Delaware, and of adding to their number, as well as of preventing obstructions from piers heretofore sunk for defence; and praying the interposition of Congress to extend the provisions of a law of the State of Pennsylvania to certain neighboring States, proportionally benefitted by the navigation of the river Delaware; and the memorial was read, and ordered to lie for consideration.

The bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States by virtue of the convention of the 30th of April, 1803, between the United States and the French Republic," was read the second time, and referred to Messrs. MITCHILL, SMITH of Maryland, and BRADLEY, to consider and report thereon.

The bill, entitled, "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes,' as is contained in the second section thereof," was read the second time, and referred to Messrs. ANDERSON, TRACY, and ADAMS, to consider and report thereon.

The bill to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, was considered as in Committee of the Whole; and being reported to the House without amendment,

Ordered That this bill pass to the third reading.

Mr. LOGAN submitted the following motion:

"*Resolved*, That the President of the United States be requested to cause to be laid before the Senate such documents and papers, or other information, as are in his possession, relative to complaints by the Government of France, against the commerce carried on by the citizens of the United States to the French island of St. Domingo."

Ordered, That this motion lie for consideration.

Mr. MITCHILL from the committee to whom was this day referred the bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States by virtue of the Convention of the 30th of April, 1803," reported the same without amendment.

Ordered, That this bill pass to the third reading.

FRIDAY, December 27.

The Senate resumed the motion made on the 24th instant, that they be furnished with certain documents respecting the commerce carried on by the citizens of the United States to the French island of St. Domingo; and

Resolved, That the President of the United States be requested to cause to be laid before the Senate such documents and papers, or other information, as are in his possession, relative to complaints by the Government of France, against the commerce carried on by the citizens of the United States to the French island of St. Domingo.

Ordered, That the Secretary lay this resolution before the President of the United States.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

I lay before Congress a report of the Surveyor of the Public Buildings, stating the progress made on them during the last season, and what may be expected to be accomplished in the ensuing one.

DEC. 27, 1805. TH. JEFFERSON.

The Message and report therein referred to were read, and ordered to lie for consideration.

The PRESIDENT communicated a letter and report from the Secretary of the Treasury, in pursuance of a resolution of the Senate of the 2d of March last; which were read and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Edward Toppan, George Jenkins, and William Currier;" in which bill they desire the concurrence of the Senate.

The bill was read and ordered to the second reading.

The bill to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio, was read the third time; and the blanks having been filled,

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

The bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the Convention of the 30th of April, 1803, between the United States and the French Republic," was read the third time and amended.

Resolved, That this bill pass with amendments.

MONDAY, December 30.

The bill entitled "An act for the relief of Edward Toppan, George Jenkins, and William Currier," was read the second time, and referred to Messrs. BRADLEY, BALDWIN, and MITCHILL, to consider and report thereon.

TUESDAY, December 31.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to provide for light-houses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery;" in which bill they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

Mr. SMITH, of Maryland, presented the memorial of Philip L. Jones, and others, counsellors at law, and practitioners at the bar of the Supreme Judicial Court of the Territory of New Orleans, stating certain extraordinary services performed by the presiding judge, J. B. Prevost, and praying a remuneration to him therefor; also, an increase of the compensation provided by law to the Presiding and Associate Judges of the said Court; and the petition was read, and referred to Messrs. SMITH, of Maryland, ANDERSON, and TRACY, to consider and report thereon.

Mr. ANDERSON presented the memorial of the House of Representatives of the Territory of New Orleans, praying an alteration in the law passed at the last session of Congress in respect to the titles of lands in that territory; also, some additional provisions by law for encouraging the culture of sugar, and for the establishment of public schools; and the memorial was read, and referred to Messrs. ANDERSON, TRACY, BALDWIN, BRADLEY, and ADAMS, to consider and report thereon.

THURSDAY, January 2, 1806.

The bill, entitled "An act to provide for light-houses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery," was read the second time, and referred to Messrs. MITCHILL, SMITH, of Maryland, and HILLHOUSE, to consider and report thereon.

FRIDAY, January 3.

Mr. TRACY, from the committee to whom was referred, on the 19th December last, the bill, entitled "An act for the relief of Theodorick Armistead," reported the bill without amendment.

He also communicated a written report on the same subject, which was read, and ordered to lie for consideration.

Mr. MITCHILL, from the committee to whom was yesterday referred the bill, entitled "An act to provide for light-houses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery," reported the bill without amendment.

Ordered, That the consideration thereof be postponed.

The Senate took into consideration the report of the Secretary of the Treasury of the 27th of December last, made in pursuance of their resolution of the 2d of March, 1805; and,

Ordered, That it be referred to Messrs. SMITH, of Maryland, ADAMS, TRACY, MITCHILL, and BALDWIN, to consider and report thereon.

MONDAY, January 6.

Mr. MITCHILL presented the memorial of the merchants of the city of New York, stating the ruinous consequences to the commerce of the United States, by the assumption of new principles in the law of nations, by the construction of the Admiralty Courts of Great Britain; also, certain unlawful and piratical seizures of the property of the American citizens in the West Indies, and even on our own coasts; and, also, the defenceless state of the ports and harbors of the United States, and praying the immediate interposition of Congress; and the memorial was read, and referred to Messrs. MITCHILL, SMITH, of Maryland, ADAMS, ANDERSON, and TRACY, to consider and report thereon, and that the memorial be printed for the use of the Senate.

Mr. SMITH, of Maryland, presented the petition of George Rapp and others, the Society of Harmony, in Butler county, and natives of Wurtemburg, in Germany, praying a grant of land for the cultivation of the vine, and for the establishment of certain manufactories; also, that the time of payment for a tract of land heretofore purchased of the United States may be protracted, for reasons stated in the petition; and the petition was read, and referred to Messrs. SMITH, of Maryland, BRADLEY, and WORTHINGTON, to consider and report thereon.

Mr. SMITH, of Maryland, presented the memorial of the board of trustees, appointed to superintend the education of youth in the City of Washington, praying the aid of Congress in procuring certain lots, suitable for the erection of an academy; also, that a lottery may be granted for the encouragement of the institution; and the petition was read, and referred to Messrs. SMITH, of Maryland, LOGAN, and MOORE, to consider and report thereon.

The bill, entitled "An act to provide for lighthouses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery, was resumed, the bill reported to the House, and ordered to the third reading.

Mr. BRADLEY, from the committee to whom was referred, on the 30th December last, the bill, entitled "An act for the relief of Edward Toppan, George Jenkins, and William Currier," reported the same without amendment.

TUESDAY, January 7.

JAMES TURNER, appointed a Senator by the Legislature of the State of North Carolina, for the term of six years, from the third of March, 1805, produced his credentials, which were read; and the oath prescribed by law having been administered, he took his seat in the Senate.

The Senate resumed the consideration of the bill, entitled "An act for the relief of Theodorick Armistead," as in Committee of the Whole, and, the said bill having been reported to the House, on the question, Shall this bill pass to the third reading? it was determined in the negative—yeas 5, nays 21, as follows:

YEAS—Messrs. Moore, Smith of Maryland, Smith of Vermont, Thruston, and Wright.

NAYS—Messrs. Adair, Adams, Anderson, Baldwin, Bradley, Condit, Fenner, Gilman, Hillhouse, Kitchel, Logan, Maclay, Mitchill, Pickering, Plumer, Smith of New York, Sumter, Tracy, Turner, White, and Worthington.

The bill, entitled "An act to provide for lighthouses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery," was read the third time and amended.

Resolved, That this bill do pass with an amendment.

Mr. ADAMS presented the petition of Benjamin Hichborne and others, Directors of the New England Mississippi Land Company, in behalf of themselves and their associates, stating claims to certain tracts of land mentioned in their petition, and praying Congress to adopt measures for their compensation; also the petition of James Sullivan and others, agents for the purchasers of lands under the State of Georgia, praying the attention of Congress to their claims; and the petitions were read.

Ordered, That they severally lie on the table.

Mr. SUMTER presented the memorial of Joseph Rippen, in behalf of the Upper Mississippi Company, on the same subject; which was read, and ordered to lie on the table.

The Senate resumed the consideration of the bill, entitled "An act for the relief of Edward Toppan, George Jenkins, and William Currier;" and, after debate, the Senate adjourned.

WEDNESDAY, January 8.

Mr. LOGAN presented the petition of Oliver Evans, stating that he has invented many useful improvements in the art of manufacturing flour or meal, for which he obtained a patent on the 19th of January 1791, and which expired in January last, and praying an extension of his patent, for reasons stated in his petition; which was read and ordered to lie on the table.

Mr. LOGAN presented the petition of William Levis and Hugh Maxwell, stating that they have on hand a number of copies of the journals of Congress under the Confederation, commonly called Folwell's edition, which they will dispose of for the use of the public; and the petition was read, and referred to Messrs. LOGAN, BRADLEY, and BALDWIN, to consider and report thereon.

The Senate resumed the consideration of the bill, entitled "An act for the relief of Edward Toppan, George Jenkins, and William Currier," and the bill having been reported to the House, on the question, Shall this bill be read the third time? it was determined in the negative—yeas 9, nays 17, as follows:

YEAS—Messrs. Adams, Fenner, Gilman, Hillhouse, Mitchill, Pickering, Smith of Maryland, Smith of Ohio, and White.

NAYS—Messrs. Anderson, Baldwin, Bradley, Condit, Gaillard, Kitchel, Logan, Maclay, Moore, Plumer, Smith of New York, Smith of Tennessee, Smith of Vermont, Sumter, Tracy, Turner, and Wright.

So the bill was lost.

Mr. SMITH, of Maryland, presented the petition of David Glass and others, of the Society of Harmony, not being present on the 6th instant, when the memorial of George Rapp and others was presented, soliciting Congress to consider them as joining in the said memorial; and the petition was read, and referred to the committee to whom was referred the memorial of the said George Rapp and others, with an instruction to the committee that they report on the subject by bill or otherwise.

THURSDAY, January 9.

On motion that it be

Resolved, That a committee be appointed to take into consideration the 23d, 27th, 35th, and 41st articles of the rules for conducting business in the Senate of the United States, and report to the Senate such alterations and amendments, if any, as they shall judge proper;

It was agreed that this motion lie for consideration.

On motion,

That the President of the United States be requested to communicate to the Senate any such information in his possession as he may deem expedient, relative to the interpolation, by any foreign Power, of new principles in the law of nations, injurious to the rights and interests of the United States, and particularly any evidence of recent decisions in the British Courts of Admiralty to that effect, together with such diplomatic communications between this Government and that of Great Britain in relation to this subject as he may think proper;

It was agreed that this motion lie for consideration.

FRIDAY, January 10.

The Senate took into consideration the motion made yesterday for revising the rules for doing business in the Senate; and having amended the same,

Resolved, That a committee be appointed to take into consideration the rules for conducting business in the Senate of the United States, and report to the Senate such alterations and amendments, if any, as they shall judge proper; and

Ordered, That Messrs. ANDERSON, TRACY, BALDWIN, BRADLEY, and ADAMS, be the committee.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with the request of the Senate, expressed in their resolution of December 27th, I now lay before them such documents and papers (there being no other information in my possession) as relate to complaints by the Government of France against the commerce carried on by the citizens of the United States to the French island of St. Domingo.

TH. JEFFERSON.

JANUARY 10, 1806.

The Message and documents therein referred to were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for establishing rules and articles for the government of the Armies of the United States," in which they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

The Senate resumed the motion made yesterday that the President of the United States be requested to lay before the Senate such information as he may deem expedient relative to the interpolation of new principles in the law of nations; and the motion was adopted.

Ordered. That the Secretary lay the resolution before the President of the United States.

MONDAY, January 13.

The bill, entitled "An act for establishing rules and articles for the government of the Armies of the United States," was read the second time, and referred to Messrs. SUMTER, WHITE, ADAMS, ANDERSON, and WRIGHT, to consider and report thereon.

On motion, it was agreed that the request for leave to bring in a bill prohibiting the commerce of the United States with the French island of St. Domingo, be the order of the day for to-morrow.

On motion, that the petitions of Benjamin Hichborne and others, of James Sullivan and others, and of Joseph Peppin and others, presented on the 7th instant, in behalf of themselves and their associates, stating claims to certain lands ceded to the United States by the State of Georgia, be referred to a committee: the votes of the Senate being equally divided, the PRESIDENT determined the question in the affirmative; and Messrs. BALDWIN, ADAMS, ANDERSON, BRADLEY, and SUMTER, were appointed the committee to consider and report thereon to the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

I lay before Congress the application of Hamet Caramalli, elder brother of the reigning Bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that State. And, in order to possess them of the ground on which that application stands, the facts shall be stated according to the views and information of the Executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning Bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert of action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both without binding either to guarantee the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information, inducing the less confidence in the measure, it was committed to our agents as one which might be resorted to, if it promised to promote our success.

Mr. Eaton, however, (our late Consul,) on his return from the Mediterranean, possessing personal knowl-

edge of the scene, and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet, if he should deem it useful; and as it was represented that he would need some aids of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the Navy in that sea. Our expectation was, that an intercourse should be kept up between the ex-Bashaw and the Commodore, that while the former moved on by land, our squadron should proceed with equal pace, so as to arrive at their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6 to Commodore Barron show that a co-operation only was intended, and by no means a union of our object with the fortune of the ex-Bashaw; and the Commodore's letters of March 22 and May 19, prove that he had the most correct idea of our intentions. His verbal instructions, indeed, to Mr. Eaton and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as rigorously as he probably intended; but it is certain, from the ex-Bashaw's letter of January 3d, written when he was proceeding to join Mr. Eaton, and in which he says, "your operations should be carried on by sea, mine by land," that he left the position in which he was, with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29th and May 1st, views this convention but as provisional; the second article, as he expressly states, guarding it against any ill effect, and his letter of June 30th confirms this construction.

In the event it was found, that, after placing the ex-Bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as Governor, he was totally unable to command any resources, or to bear any part in co-operation with us. This hope was then at an end, and we certainly had never contemplated, nor were we prepared to land an army of our own, or to raise, pay, or subsist, an army of Arabs to march from Derne to Tripoli, and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval, and that such were the expectations of Hamet, his letter of June 29th is an unequivocal acknowledgment. While, therefore, an impression from the capture of Derne might still operate at Tripoli, and an attack on that place from our squadron was daily expected, Colonel Lear thought it the best moment to listen to overtures of peace, then made by the Bashaw. He did so, and while urging provisions for the United States, he paid attention also to the interests of Hamet, but was able to effect nothing more than to engage the restitution of his family, and even the persevering in this demand, suspended for some time the conclusion of the treaty.

In operations at such distance, it becomes necessary to leave much to the discretion of the agents employed, but events may still turn up beyond the limits of that discretion. Unable in such a case to consult his Government, a zealous citizen will act as he believes that would direct him, were it apprized of the circumstances, and will take on himself the responsibility. In all these cases the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction where the error is not too injurious. Should it be thought by any, that the verbal instructions said to have been given by Commodore Barron to Mr. Eaton amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so onerous, could not be sanctioned by our Government, or should Hamet Caramalli, contrary to the evidence of his letters of January 3d and June 29th, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation, something equivalent to the replacing him in his former situation might be worthy its consideration.

A nation, by establishing a character of liberality and magnanimity, gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different, not only from our views, but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet, which had varied what we saw in writing. His answer of December 5th, is herewith transmitted, and has rendered it still more necessary, that, in presenting to the Legislature the application of Hamet, I should present them at the same time an exact statement of the views and proceedings of the Executive, through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

TH. JEFFERSON.

JANUARY 13, 1806.

The Message and documents therein referred to were read, and ordered to lie for consideration.

And on motion, the House adjourned.

TUESDAY, January 14.

Mr. WORTHINGTON presented the petition of a number of French settlers of Galliopolis, grantees, on the 3d of March, 1795, of 20,000 acres of land, situated on the Ohio river, and nearly opposite the mouth of Little Sandusky, on condition that they settle the same within five years from the date of the letters patent, and stating that they, being ignorant of this condition, are liable to lose their lands, although for the space of four years they have paid the taxes thereon, and praying the interposition of Congress in their behalf; and the petition was read and referred to Messrs. WORTHINGTON, SMITH, of Tennessee, and ADAIR, to consider and report thereon.

The following motion was submitted; and ordered to lie for consideration:

Resolved, That that part of the President's Message which relates to the spoliations of our commerce on the high seas, and informs us of the new principles assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts, be referred to a special committee.

And, on motion, the House adjourned.

WEDNESDAY, January 15.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

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

I now render to Congress an account of the grant of twenty thousand dollars for the contingent charges of Government, by an act making appropriations for the support of Government for the year 1805. Of that sum nineteen hundred and eighty-seven dollars fifty cents have been necessarily applied to the support of the Territorial governments of Michigan and Louisiana, until an opportunity could occur of making a specific appropriation for that purpose. The balance, of eighteen thousand and twelve dollars fifty cents, remains in the Treasury.

TH. JEFFERSON.

JANUARY 15, 1806.

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

I communicate, for the information of Congress, the Report of the Director of the Mint, of the operations of that institution during the last year.

TH. JEFFERSON.

JANUARY 15, 1806.

The Messages and documents therein referred to were read, and ordered to lie for consideration.

The Senate resumed the consideration of the motion made yesterday, that it be

Resolved, That that part of the President's Message which relates to the spoliation of our commerce on the high seas, and informs us of the new principics assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts, be referred to a special committee.

A motion was made by Mr. ADAMS to amend the resolution, by striking out "a special committee," and inserting the words "the committee to whom was referred the memorial from the merchants of New York; and, on appeal to the decision of the PRESIDENT, it was determined that this motion for amendment was not in order, the 15th rule for conducting business in the Senate stating that all committees shall be appointed by ballot and a plurality of votes shall make a choice.

And on the question, Shall this motion be agreed to? it was determined in the affirmative—yeas 25, nays 3, as follows:

YEAS—Messrs Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Tracy, Turner, White, Worthington, and Wright.

NAYS—Messrs. Adams, Pickering, and Plumer.

So the resolution was adopted; and

Ordered, That Messrs. SMITH of Maryland, MITCHILL, ANDERSON, LOGAN, TRACY, ADAMS, and BALDWIN, be the committee.

Mr. LOGAN presented the memorial of the merchants and traders of the city of Philadelphia, stating "at a moment of distress, and in a season of solicitude, resulting from a novel and peculiar affection of the commercial interests of their country," certain considerations of the ruinous interference of the belligerent nations with neutral commerce; and the memorial was read.

Ordered, That it be referred to Messrs. ANDERSON, LOGAN, SMITH of Maryland, MITCHILL, TRACY, ADAMS, and BALDWIN, to consider and report thereon.

The Senate resumed the consideration of the motion made on the 20th December last, for leave to bring in a bill to suspend the commercial intercourse between the United States and the French island of St. Domingo; and, on the question, Shall leave be given to bring in the bill? it passed in the affirmative—yeas 21, nays 7, as follows:

YEAS—Messrs. Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gilman, Howland, Kitchel, Logan Maclay, Moore, Smith of Maryland, Smith of New York, Smith, of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Turner, Worthington, and Wright.

NAYS—Messrs. Hillhouse, Mitchill, Pickering, Plumer, Tracy, and White.

So leave was given to bring in the bill, and it was read, and ordered to the second reading.

THURSDAY, January 16.

The bill to suspend commercial intercourse between the United States and the French island of St. Domingo was read the second time, and referred to Messrs. LOGAN, BALDWIN, and GILMAN, to consider and report thereon.

Mr. SMITH, of Maryland, from the committee appointed the sixth instant, on the subject, reported a bill to empower George Rapp and his associates, the Society of Harmony, to purchase certain lands; and the bill was read, and ordered to the second reading.

Mr. WRIGHT gave notice that he should, on Monday next, ask leave to bring in a bill for the protection and indemnification of American seamen.

Mr. SMITH, of Ohio, presented the petition of sundry purchasers of the lands of the United States in the now State of Ohio, praying an extension of the time for their future payment, and a remission of interest on their several instalments, for reasons mentioned in the petition; and the petition was read, and ordered to be referred to Messrs. SMITH of Ohio, BRADLEY, TRACY, BALDWIN, and ANDERSON, to consider and report thereon.

FRIDAY, January 17.

On motion, the galleries were cleared, and the doors of the Senate Chamber were closed; and, after the consideration of the confidential business,

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

In my Message to both Houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private; and by the introduc-

tion of new principles, derogatory of the rights of neutrals, and unacknowledged by the usages of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develope these principles and practices, which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country, (with the exception of blockaded ports and contraband of war,) was believed to have been decided between Great Britain and the United States, by the sentence of their commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of the damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived, with others more novel, and extending the injury, instructions were given to the Minister Plenipotentiary of the United States at the Court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has, therefore, been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the mean time the evil is proceeding, under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen, our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, had been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our Minister at London now communicated.

TH. JEFFERSON.

JANUARY 17, 1806.

The Message and document therein referred to were in part read, and ordered to lie for consideration.

The bill to empower George Rapp and his associates, in the Society of Harmony, to purchase certain lands, was considered as in Committee of the Whole, and the further consideration thereof postponed.

Mr. WORTHINGTON, from the committee to whom was referred, on the 14th instant the petition of the French settlers of Galliopolis respecting lands located by them on the river Ohio, requested and obtained leave to report by bill.

Mr. SMITH, of Maryland, from the committee to whom was referred, on the 31st of December last, the petition of Philip L. Jones and others, lawyers, practising at the bar of the Supreme Judicial Court of the Territory of New Orleans, asked and obtained leave to report by bill.

A confidential message from the House of Representatives, by Messrs BIDWELL and EARLY, two of their members, as follows:

Mr. PRESIDENT: We are directed, by the House of Representatives, in confidence, to bring to the Senate a bill, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations;" in which they request the concurrence of the Senate.

The bill was read and passed to the second reading.

Ordered, That the message and bill last read, be considered confidential, and that secrecy be observed by the members and officers of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives:

The enclosed letter, from the Minister Plenipotentiary of the United States at the Court of London, contains interesting information on the subjects of my other message, of this date. It is sent separately and confidentially, because its publication may discourage frank communications between our Ministers generally, and the Governments with which they reside, and especially between the same Ministers.

TH. JEFFERSON.

JANUARY 17, 1806.

The Message and letter were read and ordered to lie for consideration.

MONDAY, January 20.

Mr. MITCHILL, from the committee appointed, on the 6th of December last, to inquire into the expediency of appropriating a further sum of money to purchase maps and books for the library, made report in part; and the report was read, and ordered to lie for consideration.

Mr. MITCHILL, from the same committee, also reported a bill making a further appropriation for the support of the library; which was read and ordered to the second reading. The report is as follows:

By the fifth section of the act, entitled "An act to make further provision for the removal and accommodation of the Government of the United States," passed 24th April, 1800, $5,000 were appropriated for the purchase of such books as might be necessary for the use of Congress, then about to remove from Philadelphia and hold its sessions at Washington, and for fitting up a suitable chamber for containing them, and placing them therein. The Secretary of the Senate and the Clerk of the House of Representatives were directed to be the purchasers, pursuant to such directions as should be given, and such catalogue as should be furnished by a joint committee of both Houses of Congress. The account herewith exhibited shows in what manner, and to what amount, the money so appropriated has been expended.

Afterwards, by the sixth section of the "Act concerning the library for the use of both Houses of Congress" passed 26th January, 1802, the unexpended balance of the said $5,000, together with such sums as may be hereafter appropriated to the same purpose, is ordered to be laid out under the direction of a joint committee, to consist of three members of the House of Representatives, for the purchase of books and maps.

The committee almost hesitate to add a sentence, to enforce the propriety of increasing the number already bought for Congress. Every member knows that the inquiries of standing and select committees cannot here

be aided by large public libraries, as in New York, Baltimore, and Philadelphia. Nor has it hitherto appeared that so much benefit is to be derived from private collections at the present seat of Government, as in those large cities. Every week of the session causes additional regret that the volumes of literature and science, within the reach of the National Legislature, are not more rich and ample. The want of geographical illustration is truly distressing; and the deficiency of historical and political works is scarcely less severely felt. There is, however, no danger of realizing the story of a *parliamentum indoctum* in this country, especially if steps be seasonably taken to furnish the library with such materials as will enable statesmen to be correct in their investigations, and, by a becoming display of erudition and research, give a higher dignity and a brighter lustre to truth.

The copy of a letter dated 23d of September, 1805, from Mr. Monroe, the Minister of the United States, to the British Secretary of Foreign Affairs, referred to in the Message of the President of the United States, of the 17th instant, was read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making an additional appropriation to supply the deficiency in the appropriation for the naval service for the year 1805;" in which they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

Mr. SMITH, of Ohio, gave notice that he should, to-morrow, ask leave to bring in a bill authorizing the sale of a certain lot of land.

Mr. KITCHEL presented the petition of Samuel Hickendall, a wounded officer in the Revolutionary war, praying that the half-pay of a captain may be allowed him on account of his wounds and disabilities in service; and the petition was read.

Ordered, That it be referred to the committee appointed the 20th December last on the bill, entitled "An act making provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," to consider and report thereon.

The confidential bill, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," was read the second time.

Ordered, That the further consideration of this bill be the order of the day for to morrow.

AMERICAN SEAMEN.

Agreeably to notice given on the 16th instant, Mr. WRIGHT asked and obtained leave to bring in the following bill; which was read, and passed to a second reading:

A Bill for the protection and indemnification of American seamen.

Whereas, by the Treaty of Amity, Commerce, and Navigation, made between His Britannic Majesty and the United States, at London, on the nineteenth day of November, one thousand seven hundred and ninety-four, by the first article of said treaty, it is agreed that "there shall be a firm, inviolable, and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs, and successors, and the United States of America; and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places." And whereas, in direct violation of said treaty, His Britannic Majesty has caused to be impressed out of the ships of the United States, sailing on the high seas, divers citizens of the said United States; and has compelled them to serve on board the ships of war of His said Britannic Majesty, in violation of their liberty, and at the hazard of their lives; and in despite of the remonstrances of the Government of the said United States, continues said unjust practice; and the seamen of the United States so impressed, by force, retains in his service. And whereas the United States are solemnly bound to protect all those who are bound in allegiance to the said United States: Therefore,

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the —— day of —— next, any person or persons, who shall impress any seamen on board any vessel bearing the flag of the United States, upon the high seas, or in any river, haven, basin, or bay, under pretext or color of a commission from any foreign Power, shall, for every such offence be adjudged a pirate and felon; and, on conviction, shall suffer death. And the trial in any such case may be had where the offender is apprehended or may be first brought.

SEC. 2. *And be it further enacted*, That it shall be lawful for any American seaman, sailing under the flag of the United States, on any person or persons attempting to impress him, by force, from on board any vessel of the United States, upon the high seas, or in any river, haven, basin, or bay, to repel such force by shooting, or otherwise killing and destroying the person or persons so attempting to impress him, and shall, as an encouragement to resist, be entitled to a bounty of two hundred dollars, to be paid to him or his order, or legal representatives, out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That, on information being given to the President of the United States, proving satisfactorily to him, that any citizen of the United States, who shall have been impressed or forced by violence or threats, to enter on board any foreign vessel, shall suffer death, or any other corporeal punishment, by the authority of such foreign Power, it shall be lawful for the President of the United States to cause the most rigorous and exact retaliation on any subjects of that Government, whom he is hereby authorized to seize and take for that purpose.

SEC. 4. *And be it further enacted*, That every American seaman, heretofore or hereafter, impressed and compelled to serve on board any foreign ship or vessel, shall be entitled to receive, as an indemnification for his slavery and hardships on board the ship in which he has been, or shall be compelled to serve, from the day of his impressment, the sum of sixty dollars per month, for every month he has or shall serve on board said ship or ships; and that the said seaman, his heirs, executors, administrators, or assigns, shall be entitled to recover the same in the district court of the State in which the port lies from which the vessel cleared for the voyage in which he was taken, by attachment of

any private debt due from any citizen of the United States to any subject of that Government, by whose subjects he had been impressed; and that any sums of money so attached out of the hands of any debtor, shall be a payment of so much of said debt, and may be pleaded in payment or discount to the amount of the said sum so attached, and all the costs of said attachment, which shall be allowed as a payment of that amount in any suit for said debt. And that so much of the Treaty of London, of the nineteenth of November, one thousand seven hundred and ninety-four, as secures the inviolability of such debts, as will be infringed by the attachments or recoveries hereby authorized, shall not (so far as is necessary in the execution of this act only) be regarded as legally obligatory on the Government or citizens of the United States.

On introducing this bill Mr. WRIGHT spoke as follows: Mr. President—As introductory to the consideration of the merits of this bill, I feel it my duty to call the attention of the Senate to the present degraded state of impressed American seamen, thousands of whom have been pressed on board the British ships of war, and compelled, by whips and scourges, to work like galley slaves; whither they have been forced, by the hand of violence, from on board our own ships, sailing on the high seas, under the flag of the United States, carrying the spare productions of the toil of the American planter and merchant, to a foreign market, or returning with their proceeds.

In doing this, I wish not to enlist your sympathies, but only to present to you a correct state of the facts on which this bill is predicated; facts that stand recorded in the official reports of the Secretary of State, the black catalogue of impressments.

I will next present to your view the measures adopted by the Legislative and Executive Departments of the Government of the United States for their redress.

In the year 1796, Congress, by law, (3 vol. 322,) directed Agents to be appointed, to reside in Great Britain, and in such foreign ports as the President might direct, whose duty it should be, to inquire into the situation of such American citizens, or others, sailing conformably to the law of nations, under the protection of the American flag, who had been, or should be impressed, by any foreign Power, and to endeavor by all legal means to obtain their release; and to render an account of all impressments and detentions, to the Executive of the United States.

They also directed the collectors of the several ports, on proof being made of the citizenship of any seaman, to give him a certificate thereof, under a hope that it would have been respected in foreign ports, and have protected him from impressment. This certificate acquired the name of a protection.

They also directed, "That every captain of a 'vessel, in case of any of the crew being impressed, 'shall enter his protest at the first port he shall 'arrive at, with the name and residence of the per- 'son, and transmit immediately by post a dupli- 'cate of such protest, to the nearest Agent, Min- 'ister, or Consul, resident in such country, and 'also, on his arrival in America, to the Secretary 'of State. And that every captain on his arrival 'at any port of the United States, before he shall 'be admitted to any entry of his vessel, shall be 'required by the collector to declare on oath, 'whether any of the crew have been impressed, 'which he shall take under the penalty of one 'hundred dollars, and the collector is bound to 'return a list of all impressments, so communi- 'cated to him, to the Secretary of State."

In 1799, the Secretary of State is directed by law, (4 vol. 503,) "To lay before Congress an- 'nually, a statement of all impressments reported 'to him, that they might be officially and pre- 'cisely informed of the state of our impressed 'seamen."

Under these legislative provisions, and the intervention of our agents appointed for that purpose, hundreds of our seamen no doubt have been discharged by the Board of Admiralty, while at the same time, and under the same authority, the impressments kept pace with the discharges, so that instead of redressing the wrong, it was only inflicted in routine, thereby adding insult to injury. This all-important subject, from its commencement, has also been particularly attended to by the Executive of the United States. Our Ministers at London, during three successive administrations, have been specially charged with it, and we have witnessed their diplomatic exertions to bring this lawless and cruel practice to an end, but all to no effect. And now we are informed by the President of the United States, in his Message of the 17th January last, that "on the im- 'pressment of our seamen, our remonstrances 'have never been intermitted; a hope existed at 'one moment, of an arrangment that might have 'been submitted to, but it soon passed away, and 'the practice, though relaxed at times in the dis- 'tant seas, has been constantly pursued in those 'in our neighborhood."

This, Mr. President, is the prospect presented to our view, whereby thousands of our unfortuate seamen, that hardy and invaluable class of citizens, are consigned to the most intolerable bondage, by the imperious mandate of a British naval officer, whose word is the supreme law from which there is no appeal; and which gloomy prospect we are now informed, by the highest authority, there is not a spark of hope left to enlighten.

Sir, I have invited you to investigate this subject with the eye of temper, but at the same time, I trust, that the nation's justice will not be compromitted, by exceeding the bounds of moderation, for it has its limits; and we are informed by the laws of nations, (Vat. 433, sec. 352,) "that 'the true and just welfare of the nation is the 'grand rule. Moderation is always laudable in 'itself, but the conductors of nations ought to 'make use of it, only so far as it is consistent with 'the happiness and safety of their people." Under this view of the subject, can we submit to this state of things? That is the question. I have presumed not; and under that presumption, I have brought the subject before this Senate in the shape

it is presented in this bill. Sir, I wish it to be recollected that the infant state of our navy suppresses every hope of redress on the element of our wrongs, and that this is a measure of necessity, not of choice. Wherefore, I trust it will not be thought too nervous, when it is considered that we have just cause of war. I will therefore now, sir, proceed to the consideration of the merits of this bill.

The first clause states that, in violation of the Treaty of Amity, Commerce and Navigation, made at London on the 19th of November, 1794, His Britannic Majesty had caused the impressment of our seamen, sailing under the flag of the United States. The treaty (2d vol. L. U. S., p. 464) secures the inviolability of the citizens and subjects of the respective Powers; and we are informed by the law of nations, (Vat. 655, sec. 39,) "that a nation acts against the nature and essence 'of every treaty of peace, nay, against peace itself, 'by deliberately and wantonly offending him, 'with whom peace has been made, and treating 'him or his subjects incompatible with peace, and 'which he cannot suffer, without being wanting 'to himself." But it may be said that this has not been authorized by the British Government. Let us examine that fact. It is declared by the law of nations, (Vat. 252, sect's 73, 74, 76,) "that, 'however, as it is impossible for the best regulated 'State, or for the most vigilant and absolute Sov-'creign, to model, at his pleasure, all the actions 'of his subjects, and to confine them, on every oc-'casion, to the most exact obedience, it would be 'unjust to impute to the nation or to the Sover-'eign all the faults of the citizens; we ought not, 'then, to say, in general, that we have received 'an injury from a nation, because we have re-'ceived it from one of its members."

"But if a nation, or its leader, approves and 'ratifies the fact committed by a citizen, it makes 'the act its own; the offence ought, then, to be 'attributed to the nation as the author of the true 'injury, of which the citizen is perhaps only the 'instrument."

"If the Sovereign disavows the act, he ought 'to inflict on the offender exemplary punish-'ment."

So far I have called in aid the law of nations: I will now refer to the form of the authority in the case of impressment, which is in these words: (Fost. C. L. 156.) "In pursuance of His Majes-'ty's Order in Council, dated the 19th day of Jan-'uary, 1742; we do hereby empower you to im-'press, or cause to be impressed, so many sea-'men," &c. And I will refer you to the facts in your own possession, that His Britannic Majesty approves the act, both by continuing the impressments, and by his lately promoting the Captain of the Cambrian frigate, (whom he recalled to appease our complaints on that head,) to the command of a ship-of-the-line; so that in form, in law, and in fact, His Britannic Majesty has caused the impressment of our seamen, or he must have punished, and not promoted so notorious an offender. On this point I presume, then, there can be no doubt.

Mr. President, I have thought it neither unprofitable or irrelevant to the present subject, to examine the right of impressing British subjects.

British jurists have more than questioned this right, and the British Parliament have, I presume, decided the question.

Sir Edward Coke (2 Inst. 47) says: "The King 'cannot send any subject against his will out of 'the realm, not even into Ireland, for then, under 'pretence of service, he might send him into ban-'ishment." (H. H. P. C. Notes, 679.) In Hales H. P. C., it is declared "repugnant to the liberty of 'an Englishman, and irreconcilable to the estab-'lished rules of law, that a man, without any 'offence by him committed, or any law to author-'ize it, should be hurried away, like a criminal, 'from his friends and family, and carried by force 'into a dangerous service."

That the common law did not admit of such a practice, must have been the opinion of the British Parliament, who, in the time of Charles I., passed a statute (16 C. 1, c. 5) "to authorize the 'impressment of soldiers and seamen for sea-ser-'vice beyond sea," which soon after expired, being of short duration. They might also have been of the same opinion in the time of (2 and 3 Ann, c. 19; 3 and 4 Ann, c. 11; 4 Ann, c. 10; 5 Ann, c. 15; 6 Ann, c. 10) Queen Ann, when a number of statutes, of a very short duration, passed in Parliament, in the same terms as the statute of Charles above stated. I presume they would never have passed laws to have authorized a proceeding that was justifiable by the common law. Judge Foster, who is quoted by Britons as an authority on this point, shall be examined. (Fos. C. L. 157.) He states, in the case of Broadfoot, who was indicted for the murder of Calahan, "that, 'by pressing mariners on one hand, a very useful 'body of men seem to be put under hardships 'inconsistent with the temper and genius of a 'free Government; on the other, the necessity of 'the case seemeth to entitle the public to the ser-'vice of this body of men, whenever the safety of 'the whole calleth for it. I think the Crown has 'a right to command the service of these people 'whenever the public safety calleth for it; the 'same right that it hath to require the person-'al service of every man able to bear arms in 'case of sudden invasion or formidable insurrec-'tion. The right in both cases is founded on one 'and the same principle, the necessity of the case, 'in order to the preservation of the whole." But, he adds: (Fost. C. L., 154,) "If it be asked, where 'are the adjudged cases, on which he groundeth 'his opinion? he freely confesseth that he hath 'not met with one on which the legality of press-'ing for the sea-service hath directly come in ques-'tion. He states that, according to his best appre-'hension, (having thought much upon the sub-'ject,) the right of impressing mariners for the 'public service is a prerogative, inherent in the 'Crown, grounded upon the common law, and 'recognised by many acts of Parliament." With great deference to his honor, I would ask, if anything can be evidence of the common law, but judicial decisions on the point, which he admits

are not to be found? I will also examine the statutes on which he relies as recognising this right. I would here observe that he holds the soldier and seamen alike bound by the same law, and it would (Fost. C. L., 166) seem, by Admiral Seymour's commission, that his power extended to impress ships, captains, masters, pilots, and seamen, as well as all other persons fit for the purpose. This was for the sea and foreign service, and did not extend to land soldiers, as, until the 24th year of Charles II., all the lands were held by military tenures, whereby the tenants were obliged to furnish soldiers and everything necessary for them in war; but by (24 C. II., c. 12) these tenures were abolished; and I question much whether the statute of Charles I. extended to the feudal tenants, who were bound to serve only in England. By statute of Henry VII., (7 H. 7, c. 1) it is enacted that, if any soldier, being no captain immediately retained with the King, which shall be in wages, and retained, or take any *prest* to serve the King upon the sea, or upon the land beyond sea, depart out of the King's service without license from the captain, it shall be adjudged felony.

The statute of Henry VI. (18 H. 6, c. 19) against desertion, was construed to extend to soldiers bound by tenure, or covenant, to serve on land; and a question was made, whether soldiers who had taken *prest* to serve against the rebels in Ireland, were liable to the penalties of that law? which was cleared up in Parliament in these words: "That 'the said statute of Henry VI., in all pains, forfeitures, and penalties, did, doth, and hereafter 'shall, extend as well to every mariner and gunner having taken, or who hereafter shall take, 'prest, or wages, to serve the Queen's Majesty, 'as it did, or doth, to soldiers; any opinion to the 'contrary notwithstanding." These are the statutes from whence the right is pretended to be inferred—which, I presume, go to show that the mariner and soldier must be enlisted before they are liable to the penalties of desertion, and, that it is by contract, and not by force, the soldier becomes bound to serve, and that the right is founded in the prostitution of the sound of the word (Boy. D. Cow. Inst. J. L. D.) *prest* for the sense, which word means "money paid to a soldier or sailor to enlist." Nor is it at all to be wondered at, that a right founded in necessity—the tyrant's plea—should rest on a pretext so flimsy, or that the barriers of etymology should not be able to withstand—as necessity has no law—the physical force of a press-gang. And although this right of the seaman to be exempt from service but on their enlistment, has been, under the claim of prerogative, substantially violated, yet the form of the commission to impress retains the evidence of this violation. It is in these words: (Fost. C. L. 15 c.) "We do hereby empower and direct you to 'impress, or cause to be impressed, so many seamen, &c., giving unto each man one shilling for 'press money," &c. Thus I have shown that British subjects are not legally bound, unless they receive *prest*, or bounty, to enlist; and, to avoid imposition, it is provided by statute, (5 and 6. W. and M., c. 15) "That no person shall be enlisted 'for the land service, who did not, in the presence 'of a magistrate, high-constable, &c., declare his 'free consent to be enlisted as a soldier."

Can we, then, submit the exercise of this royal prerogative right to be enforced on those sailing under the flag of the United States, without the limits of the British Empire?—a practice, Judge Blackstone informs us, Britons have submitted to with great reluctance—and, will it not be said, that we are wanting to ourselves, if we should not guard our seamen against this outrage by all the means in our power? But it may be said, the British Government has a right to the service of her own subjects. I have shown, not by impressment; and I will now show that they have the right of becoming American citizens, and being protected in that right. (Tuck. Black. 1 vol. p. 145.) "By the law of nature, man is subject to 'no restraints, and may pass into any region." (Vat. 172, sec. 225.) "By the law of nations, 'every subject has a right to expatriate himself, 'and seek his fortune where he can best promote 'his interest." (1 Black. Com. 265, F. N. B. 85.) And by the common law, every Englishman may go out of the realm without the King's leave for any cause he pleaseth; and so far has Britain recognised this right in others, by Parliament, that, by the navigation act, one-fourth of every ship's crew may be foreigners. (6 Ann, c. 37.) By the statute of Ann, three-fourths may be foreigners, and by the statute of George II., (13 Geo. 2, c. 3,) it is provided, "That any foreigner serving on 'board of any merchant ship, or ship of war, for 'two years, in time of war, shall, *ipse facto*, be'come a British subject, entitled to all the privi'leges of a native-born subject." Thus, we see, Britain invites foreigners into her service, and secures them in all the privileges of her native subjects, among which, protection is the most important. Can it be, then, that Britain will exercise a right that is not legitimate, or claim for herself what she denies to others? If not, then she admits the right of expatriation, which is established by the law of nature, of nations, and the common law, and tested by the authority of the British Parliament. Can we, then, feel ourselves at a loss for authority to protect those who sail under the flag of the United States, when we see Britain not only inviting foreigners into her service, but securing them protection by the solemnity of a statute? Can we then, I say, want authority or zeal to protect our citizens in their rights, secured to them by the solemnity of a Constitution, under the solemnity of an oath?

Mr. President, permit me here to observe, that all legitimate government is derived from the people, and is founded in compact only, and intended for the good of the whole; that protection and allegiance are reciprocal obligations, each so important, that in all Governments, in all ages, they have been secured by the solemnity of an oath.

I ask, then, is not the conduct of Britain a violation of the rights of our seamen? Are they not secured in these rights by the Constitution? and

are we not bound by the most solemn obligation to protect them to the utmost of our power? (Vat. 251, sec. 1.) "Whosoever uses a citizen ill, indi- 'rectly offends the State—which ought to protect 'their citizens—and his Sovereign should avenge 'the injuries, punish the aggressor, and, if possi- 'ble, oblige him to make entire satisfaction; since 'otherwise, the citizen would not obtain the great 'end of the civil association, which is safety."

I cannot then permit myself for a moment to suppose that a right so important, secured by ties so solemn, and so palpably violated, will not be protected to the utmost of the power of the Congress of the United States by all the legislative means they possess, consistent with the sound principles of legislation and good government.

By the Constitution, Congress are to define and punish piracy. In defining piracy, I wish them not to exercise a wild, but legal discretion, which is itself defined, to "discern by law what is just." I will therefore call their attention to the subject, as it has been considered by the law of nations, the common and statute law of Great Britain. By the law of nations, (Mol. D. J. M. 57,) "the 'attacking a ship at sea and taking away some of 'the men to make them slaves, is piracy."

By the common law, (4 Blac. Com. 72, 3 Inst. 109,) piracy consists in "committing those acts of 'robbery and depredation upon the high seas 'which if committed upon land would be felony."

"Every community have a right (4 Bl. C., c. '71) to inflict that punishment upon a pirate by 'the rule of self-defence, which an individual 'would in a state of nature have been otherwise 'entitled to, for any invasion of his person or pro- 'perty." By the statute of Elizabeth, (43. Eliz.,) it is enacted that "whoever shall hereafter, with- 'out lawful authority, take any of Her Majesty's 'subjects against their will and detain them with 'force, or to make a prey or spoil of his person or 'goods, upon deadly feud, or otherwise, should be 'adjudged and taken to be a felon, and should suf- 'fer the pains of death without benefit of clergy." This statute was predicated upon a state of things in that country, not more intolerable than the present state of American seamen; nor can it be considered as an incorrect exercise of the discretion of Congress in defining piracy, to declare the impressment of our seamen, and consigning them to so abject a slavery as they are subject to on board British ships of war, piracy—when, by the law of nations, by the common law, and by the statute of Elizabeth, we discover ourselves perfectly justified in so doing; and I trust we can never find ourselves less disposed to protect our citizens than Britain has been to protect her subjects; nor of declaring that act piracy committed on the high sea, that Britain considers a felony of death committed on land. Nor can we feel any difficulty in imposing the pains of death on the offender, for a piracy on personal liberty, when we impose it in all cases of piracy on property, and when we consider that it is the punishment imposed by all nations in every case of piracy. This brings me to the second section of the bill, which justifies the repelling force by force, and gives a premium for destroying the pirate, whom all writers denounce as an outlaw, and hold it lawful to destroy. Sir Edward Coke (3 Inst. 113) says a pirate is "*Hostis humani generis*," which is an enemy to the human race. "That an out- 'lawed felon is said to have *caput lupinum*, that 'he might be knocked on the head like a wolf by 'any one that should meet him," (Merr. C. 4, s. 4, Co. Lit. 128;) and Judge Blackstone tells us, in more modern times, (4 Bl. 70,) that "a pirate has 'renounced all the benefits of society and govern- 'ment, and has reduced himself afresh to the sav- 'age state of nature by declaring war against all 'mankind; all mankind must declare war against 'him, so that every community hath a right, by 'the rule of self-defence, to inflict that punish- 'ment upon him which every individual would 'in a state of nature have been otherwise entitled 'to do, for any invasion of his person or property." By the law of nations (Vat. 137, sec. 169) "The 'right of punishing, which in a state of nature 'belonged to each individual, is founded in the 'right of safety. Every man has therefore a right 'to preserve himself from injury, and by force to 'provide for his own security, against those who 'unjustly attack him." Nor are we left to the elementary writers alone to support this doctrine. The very point has been judicially determined in the (Fost. C. L. 154) case of Alexander Broadfoot, who was indicted for the murder of Cornelius Calahan, and acquitted by Judge Foster's direction to the jury. The case was this: "Cap- 'tain Hanway had a press warrant, with this di- 'rection inserted in the body of it: 'You are not 'to entrust any person with the execution of this 'warrant but a commissioned officer, and to insert 'his name and office in the deputation on the 'other side hereof.' He endorsed: 'I do hereby 'depute A. B. a Lieutenant of the mortar sloop 'to impress, &c.' On 25th April, 1742, Captain 'Hanway being at anchor, in Kingroad, at Bris- 'tol, ordered the ship's boat down the channel, to 'press as they should see an opportunity; the 'Lieutenant staid on board with the Captain. In 'the evening the boat came up with the Bremen 'Factor, in that part of the channel in the coun- 'ty of the city of Bristol; some of the crew went 'on board in order to press men, who being in- 'formed that one or two of the Bremen's men 'were concealed in the hold, Calahan with three 'others went thither in search of them, where- 'upon Broadfoot, one of the Bremen's men (who 'had provided a blunderbuss for defence against 'the press gang) called out, and asked them what 'they came for; he was answered by some of the 'press gang: 'We come for you and your com- 'rades.' Whereupon he cried out, 'Keep back, I 'have a blunderbuss loaded with swan shot.' 'Upon this the other stopped, but did not retire. 'He then cried out, 'Where is your Lieutenant?' 'and being answered, 'He is not far off,' imme- 'diately fired among them. By this shot Calahan 'was killed, and one or two of the press gang 'wounded." In this case, as you perceive, Broad- foot was acquitted by the direction of the Judge. Then, if an Englishman may kill an Englishman

in the attempt to impress him, because the authority was incorrectly executed, can we feel a doubt that an American may kill an Englishman, when by no possibility there can be any color of authority; and that too without the jurisdiction and limits of the British empire, when sailing under the protection of the American flag? I can feel no doubt.

And as to giving a bounty for killing this *hostis humani generis*, wearing the *caput lupinum*, I trust there can be no objection, when we consider the practice of other States and nations, particularly Britain herself, who, by the statute of George II., (8 Geo. 2, c. 24,) gives a bounty to encourage the destruction of pirates. The statute is in these words: "That, to encourage the de-'fence against pirates, the commanders or sea-'men wounded, and the widows of such seamen 'as are slain in any piratical engagement, shall 'be entitled to a bounty, to be divided among 'them, not exceeding the value of one-fiftieth 'part of the cargo on board." Can we then, with the example of Britain before our eyes, giving bounty for the protection of property, feel any reluctance in giving a bounty for the protection of liberty? Can it be possible that Britain shall protect the property of her subjects with more vigilance and circumspection than America will protect the liberty and lives of her citizens? I will not for a moment permit the hateful idea to torment me. It cannot be so. As these provisions are mere declarations of the law, that our seamen may know their rights, and resist the unlawful force with safety; and as the exercise of this repulsive force may induce severities and death itself, it becomes necessary to secure the exercise of it by the provisions of this act. Therefore the next clause is introduced, authorizing the President to retaliate in case of any cruelties exercised on our seamen. This is dictated by the soundest policy, legitimated by the law of nations, and recognised by our own laws. By the law of nations, (Vat. 426, § 341,) "when a sov-'ereign is not satisfied with the manner in which 'his subjects are treated by the law and custom of 'another nation, he is at liberty to declare he will 'treat the subjects of that nation in the same 'manner his subjects are treated; this is called 'the Law of Retortion. There is nothing in this 'but what is conformable to sound politics." (Vat. 432, § 351.) At Athens, the law permitted the relations of him who had been assassinated to seize three of the natives of that country, and detain them till the murderer was punished or delivered up, and our own law recognises this principle. By the act of 3d March, 1799, it is provided, that if any seaman, who shall have been impressed on board any vessel of the Powers at war with France, who shall be taken by France, and hath suffered death, or any corporal punishment by the authority of France or any officer under their authority, the President shall cause the most rigorous retaliation to be executed on any citizen of the French Republic that may be taken under the laws of the United States. But perhaps it may be insisted these were Frenchmen, and not entitled to the same measure of justice as Englishmen. By the law of nations (Vat. 434, § 354) these measures are milder than war, which involves the innocent with the guilty. "The 'Prince, therefore, who attempts this method, in-'stead of coming to an open rupture, is doubtless 'worthy of peace, on account of his moderation 'and prudence; but they who run to arms with-'out necessity, are scourges to the human race, 'barbarians, enemies to society, and rebels to the 'law of nations, or, rather, to the common Father 'of mankind."

This brings me to the last section of the bill, which secures the impressed seaman compensation for his false imprisonment not far beyond the wages in the merchant service, and authorizes the attachment of so much of the debts to British subjects as may be necessary for that purpose, there being no other means of redress. All mankind will declare it just, and Britain herself has judicially established the principle in the case decided by C. J. Pratt, afterwards Lord Camden, (Say. Dam. 219.) The case was in an action for false imprisonment. The Earl of Halifax, one of His Majesty's principal Secretaries of State, granted a warrant, without previous information, against a journeyman printer of North Britain, who was kept six hours and treated civilly; 300 pounds damages were given. On a motion for a new trial, because of excessive damages, Pratt, Chief Justice, declared that, as it was a general warrant and an attack upon public liberty and against Magna Charta, and as they attempted to justify its legality, there ought to be exemplary damages; and in all cases wherever an injury is done under the color of authority, as where an officer under an authority to impress exceeds that authority. Motion overruled.

It will not, then, be said by an American Congress, that, for the false imprisonment of an American seaman sixty dollars per month can be too high, for his bondage on board a British ship of war, exposed to every hardship, when a British subject, for six hours confinement, with civil treatment, had eight hundred dollars damages by a British jury; nor can the method of recovering the same be opposed upon sound principles. (Vat. 431, sec. 350.) By the law of nations, "justice is said to 'be denied, when the subject is not permitted to 'establish his right in the ordinary tribunals of 'justice, or when great and unreasonable delay is 'effected, equivalent to a refusal." And it can never be said that, after ten years spent in fruitless negotiation, and after we have been informed by the President "that every spark of hope is extinguished," and the cup of humiliation drained to its dregs, that the delay is not unreasonable and equivalent to a refusal. And we are authorized by the law of nations (Vat. 151, sec. 1) to retaliate, to enforce, if possible, the making the citizen entire satisfaction. It may be objected, however, that this remedy is in violation of the Treaty of London of 19th November, 1794, which secures the inviolability of British debts; but it will be recollected that this violation on our part is induced by the violation of the same treaty by

Great Britain by an attack on the liberty of the citizen, and it can never be said that we are not justified by claiming the damages we have received by a violation on personal liberty, as a correct set-off against any damages they may receive by a breach of the same contract, by an attack on personal property. It can never be, in the eye of justice and in a land of liberty, that property is more to be respected than liberty, nor can we feel ourselves unauthorized, when the law of retaliation and self-preservation, which are written on the heart of man by the finger of Omnipotence, holds us justified. Nor, when we consider that we ourselves have totally annulled and declared void the Treaty with France, because of her violation of her treaty by the spoliations on our commerce; refusing to do us justice, can we hesitate to make this partial repeal of the Treaty with Great Britain so far only as is necessary to do our oppressed seamen justice, by the sacrifice of British property at the shrine of American liberty, when we reflect that it is the only means whereby we can remunerate our enslaved seamen for their cruel bondage; that the safety of the people is the supreme law, and that we are the sentinels to protect their rights and avenge their wrongs?

TUESDAY, January 21.

Mr. SMITH, of Maryland, gave notice that he should, to-morrow, ask leave to bring in a bill for classing the militia, and assigning to each class its particular duties.

Agreeably to notice given yesterday, Mr. SMITH, of Ohio, asked and obtained leave to bring in a bill authorizing the sale of a certain lot of land; and the bill was read, and ordered to a second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of the Governor, Secretary, and Judges, of the Territory of the United States Northwest of the river Ohio;" also, a bill, entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes;" in which bills they desire the concurrence of the Senate.

The bills were read and ordered to the second reading.

The bill, entitled "An act making an additional appropriation to supply the deficiency in the appropriation for the naval service during the year 1805," was read the second time as in Committee of the Whole; and, having been reported to the House without amendment, it was, by unanimous consent, read the third time and passed.

On motion, that it be

Resolved, That a committee be appointed to inquire why the expenditures in the Navy Department, for the year 1805, have so far exceeded the appropriation for the same, and report thereon to the Senate.

Ordered, That this motion lie for consideration.

On motion, that it be

Resolved, That the President of the United States be requested to cause to be laid before the Senate a copy of Mr. Monroe's letter to the Secretary of State, dated October last, which was read in Senate on Friday last, and withdrawn to be laid before the House of Representatives.

It was agreed that this motion lie for consideration.

The bill to empower George Rapp and his associates, in the Society of Harmony, to purchase certain lands, was resumed as in Committee of the Whole; and, an amendment having been proposed,

Ordered, That the consideration thereof be postponed until to-morrow.

The bill for the protection and indemnification of American seamen was read the second time, and the further consideration thereof, as in Committee of the Whole, was made the order of the day for Monday next.

On motion the Senate resumed the second reading of the confidential bill, entitled "An act making provision for any extraordinary expenses attending the intercourse between the United States and foreign nations," as in Committee of the Whole; and the bill having been reported to the House without amendment,

Ordered, That the third reading thereof be the order of the day for Thursday next.

WEDNESDAY, January 22.

The bill, entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes," was read the second time, and referred to Messrs. WORTHINGTON, BALDWIN, WRIGHT, MOORE, and ANDERSON, to consider and report thereon.

The bill entitled "An act for the relief of the Governor, Secretary, and Judges, of the late territory of the United States northwest of the river Ohio," was read the second time, and referred to Messrs. MACLAY, KITCHEL, and SMITH, of Ohio, to consider and report thereon.

Mr. MACLAY stated in his place, that the Legislature of the State of Pennsylvania had passed a resolution, that their Senators in Congress be instructed to obtain an amendment to the Constitution of the United States respecting the Judiciary; and submitted the following motion, which was read and laid on the table:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid, as part of the said Constitution, to wit:

The Judicial power of the United States shall not be construed to extend to controversies between a State and the citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens, or subjects.

The bill authorizing the sale of a certain lot of land was read the second time, and referred to Messrs. SMITH, of Ohio, BALDWIN, and TRACY, to consider and report thereon.

The bill to empower George Rapp and his as-

sociates, in the Society of Harmony, to purchase certain lands, was resumed as in Committee of the Whole; and recommitted to Messrs. SMITH, of Maryland, BRADLEY, and WORTHINGTON, further to consider and report thereon.

CLASSIFICATION OF THE MILITIA.

Mr. SMITH, of Maryland, agreeably to notice given yesterday, asked and obtained leave to bring in the following bill, which was read and ordered to a second reading:

A Bill for classing the Militia, and assigning to each class its particular duties.

Be it enacted, &c., That every free, abled-bodied white male citizen of the United States, of the age of eighteen years, and under the age of forty-five, whose principal occupation is not on the high sea, or the tide waters within the United States, shall be of the militia for the land service of the United States. The persons so to constitute the land militia, shall be enrolled by their names and ages, in their proper districts, and in books kept for that purpose; such enrollment to be made without delay of those now within the description, and from time to time as to others who shall hereafter become so, always noting the date of enrollment, and placing in a distinct page, or part of the book, those of every different year of age, from forty-five down to eighteen.

The said militia shall be distributed into classes as follows, to wit: The junior class shall be composed of those above twenty-one, and under twenty-six years of age; the middle class of those above twenty-six, and under thirty-five years of age; the senior class of those above thirty-five and under forty-five years of age; and those above eighteen, and under twenty-one years of age shall compose the minor class.

The junior class shall be liable to perform all active services within the United States, or the countries next adjacent, by tours of duty, not to exceed one year in any two; and in order that the said services may be required of them equally, those of every battalion shall, by its commanding officer, be immediately divided by lot into ten parts, or portions, as nearly equal as may be; each portion to be distinguished by its particular number, from one to ten, and to be called into duty in the order of their numbers, such call extending to so many numbers as the exigency may require, and every person so called on, may be assigned to the service of the artillery, infantry, cavalry, or of any other description, as the competent authority shall direct.

In consideration of the assiduous discipline required from the junior class, and of the services they shall have performed, or been liable to perform while in it, they shall never after passing into the middle class, be liable to actual service, but where the junior class for the time being is inadequate to the exigency; and then in their own or one of the adjoining States only, and by tours not exceeding three months in any year: for which purpose they shall be distributed into sections and called on in routine, as is provided in the case of the junior class.

The senior and minor classes shall be liable to be called on to do duty within their own State only, and by tours not exceeding three months in any year, and they shall be separately distributed into portions and numbers, and called on in routine as provided for the other classes.

Exemptions from militia duty, except in cases of religious scruple against bearing arms, shall only extend to the ordinary duties of mustering and disciplining, after having entered the middle or senior class, but all exempts shall be enrolled in their classes and numbers, and when called on for actual military service, shall be bound as others are to perform their due tours.

If any person called on to do the actual duties of his class, shall refuse, or unnecessarily delay to enter on duty, he shall be arrested as a deserter, either by the civil or military authority, shall be delivered to the proper military officer, and either punished as a deserter, or compelled to perform his tour of duty. But any person so called on may compute his personal service, by tendering as a substitute an able-bodied white man, a citizen of the United States, fit for the service in the judgment of the officer who is to command him, and willing to engage therein. And all persons, while engaged in performing a tour of duty, shall have the pay and rations allowed in the army of the United States, and be subject to the rules, regulations, and articles, provided for the government of the same.

SEC. 2. *And be it further enacted*, That all provisions in any law of the United States, or of any particular State, or Territory, inconsistent with those of this act, are hereby repealed; and all provisions in the laws of the United States, or of any particular State or Territory not inconsistent herewith, shall be understood to be left in force, and liable to alteration by their respective enacting authorities.

The Senate resumed the consideration of the motion made yesterday, that the President of the United States be requested to communicate to the Senate a copy of Mr. Monroe's letter to the Secretary of State; and it was agreed to amend the motion as follows:

Resolved, That the President of the United States be requested, if he shall judge the same to be proper, to cause to be laid before the Senate a copy of Mr. Monroe's letter to the Secretary of State, dated 18th of October, 1805, with a postscript, dated 25th, which was read in Senate on Friday last, and withdrawn to be laid before the House of Representatives.

Whereupon, a motion was made that the proposed resolution be referred to a select committee; and, on motion, the Senate adjourned.

THURSDAY, January 23.

Mr. WORTHINGTON, from the committee appointed on the subject, reported a bill to repeal in part the fourth section of an act, entitled "An act to authorize a grant of lands to the French inhabitants at Galliopolis, and for other purposes therein mentioned;" and the bill was read, and ordered to the second reading.

Mr. BRADLEY presented the petition of Seth Harding, commander of a ship in the service of the United States, during the Revolutionary war, in which service he received extreme bodily injury, as is stated at large in his petition, and praying such pecuniary relief as may, to Congress, seem reasonable for a person debilitated by public service; and the petition was read, and referred to Messrs. BRADLEY, TRACY, and SUMTER, to consider and report thereon.

Mr. TURNER communicated the representation of the State of North Carolina, on the subject of certain pensioners on the list of that State, and

suggesting to the justice and wisdom of Congress the propriety of placing them on the pension list of the United States; and the representation was read.

Ordered, That it be referred to the committee appointed the 20th of December last, on the bill, entitled "An act making provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war," to consider and report thereon.

The bill for classing the militia, and assigning to each class its particular duties, was read the second time, and referred to Messrs, SMITH, of Maryland, SUMTER, ADAIR, BRADLEY, and SMITH, of New York, to consider and report thereon.

The following motion was made and seconded, and ordered to lie for consideration:

Resolved, That the report and estimates of the appropriations necessary for the year one thousand eight hundred and six, be referred to a select committee, with instructions to inquire into the specific expenditures of the respective Departments.

The Senate resumed the consideration of the motion that the President of the United States be requested to communicate a copy of Mr. Monroe's letter to the Secretary of State; and, on motion it was agreed that the doors of the Senate should be closed; and, after debate, it was agreed to amend the motion as follows:

Resolved, That the President of the United States be requested, if he shall judge the same to be proper, to make a further communication to the Senate of Mr. Monroe's letter to the Secretary of State, dated 18th October, 1805, with a postscript, dated 25th October, which was read in the Senate on Friday last.

And, on the question to adopt the resolution as amended, it was determined in the affirmative—yeas 23, nays 6, as follows:

YEAS—Messrs. Adair, Adams, Baldwin, Bradley, Fenner, Gaillard, Gilman, Hillhouse, Maclay, Mitchill, Moore, Pickering, Plumer, Smith, of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Thruston, Tracy, White and Wright.

NAYS—Messrs. Anderson, Condit, Kitchel, Logan, Turner, and Worthington.

FRIDAY, January 24.

JAMES A. BAYARD, appointed a Senator for the State of Delaware, for the term of six years, commencing on the fourth of March last, produced his credentials, which were read; and, the oath prescribed by law having been administered, he took his seat in the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

According to the request of your resolution of yesterday, I again communicate the letter of the Minister Plenipotentiary of the United States at London, to the Secretary of that Government for Foreign Affairs, dated October 18th, 1805, with a postscript of October 25th, but still in confidence that the matter of it shall not be made public.

JANUARY 24, 1806. TH. JEFFERSON.

The Message and paper were read and ordered to lie for consideration.

MONDAY, January 27.

Mr. SMITH, of Maryland, from the committee to whom was referred, on the 22d instant the bill to empower George Rapp and his associates, in the Society of Harmony, to purchase certain lands, reported the bill amended: and the amendment was read, and ordered to lie for consideration.

Mr. BRADLEY, from the committee to whom was referred, on the 23d instant the petition of Seth Harding, made report; which was read, and ordered to lie for consideration.

Mr. BRADLEY, from the same committee, asked and obtained leave to report a bill for the relief of Seth Harding late a captain in the Navy of the United States; and the bill was read and ordered to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend jurisdiction, in certain cases, to State judges and State courts;" Also, a bill, entitled "An act authorizing a detachment from the militia of the United States;" in which bills they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES.

To the Senate of the United States:

According to the desire of the Senate, expressed in their resolution of the 10th instant I now communicate to them a report of the Secretary of State, with its documents, stating certain new principles attempted to be introduced on the subject of neutral rights, injurious to the rights and interests of the United States. These, with my Message to both Houses, of the 17th instant and the documents accompanying it, fulfil the desires of the Senate as far as it can be done by any information in my possession which is authentic and not publicly known. TH. JEFFERSON.

JANUARY 27 1806.

DEPARTMENT OF STATE, *Jan.* 25, 1806.

The Secretary of State, to whom the President has been pleased to refer the resolution of the Senate, dated on the 10th instant, has the honor to make the following report:

The most important of the principles interpolated into the law of nations, is that which appears to be maintained by the British Government, and its prize courts, that a trade opened to the neutrals by a nation at war, on account of the war, is unlawful.

The principle has been relaxed from time to time, by orders allowing as favors to neutrals, particular branches of trade, disallowed by the general principle; which orders have also, in some instances, extended the modifications of the principle beyond its avowed import.

In like manner, the last of these orders, bearing date the 24th of June, 1803, has incorporated with the relaxation a collateral principle, which is itself an interpolation, namely, that a vessel on a return voyage is liable to capture by the circumstance of her having on the outward voyage, conveyed contraband articles to an enemy's port. How far a like penalty attached by the same order to the circumstance of a previous communication with a blockaded port, would likewise be an interpolation, may depend upon the construction under which that part of the order has been, or is to be carried into execution.

The general principle first above stated, as lately applied to re-exportations of articles imported into neutral countries from hostile colonies, or vice versa, by considering the re-exportation in many cases, as a continuation of the original voyage, forms another interpolation, deeply affecting the trade of neutrals. For a fuller view of this and some other interpolations, references may be had to the documents communicated with the message to Congress of the 17th instant.

The British principle, which makes a notification to foreign Governments of an intended blockade, equivalent to notice required by the law of nations, before the penalty can be incurred; and that which subjects to capture vessels arriving at a port, in the interval between a removal and return of the blockading force, are other important deviations from the code of public law.

Another unjustifiable measure is the mode of search practised by the British ships, which instead of remaining at a proper distance from the vessel to be searched and sending their own boat with a few men for the purpose, compel the vessel to send her papers in her own boat, and sometimes with great danger from the condition of the boat, and the state of the weather.

To these instances, without adverting to others of an inferior or less definite character, in the practice of Great Britain, must be added the assumed right to impress persons from American vessels, sailing under the American flag, on the high seas. An explanation of this practice will be found in the extract from the instructions to Mr. Monroe, communicated with the message of the President above referred to.

Among the interpolations introduced by the French Government, is a decree, dated June 6, (18 Prairial, year 13,) importing that every privateer of which two-thirds of the crew should not be natives of England, or subjects of a Power the enemy of France, shall be considered as pirates.

Another is evidenced by the result of an application made by the deputy consul of the United States at Cadiz, through the French consul, to Admiral Villeneuve, for the liberation of some seamen of the United States who were on board the French fleet under his command. The answer of the Admiral, dated 29th August last, (11 Fructidor, 13th year,) states, that "A decision of His Imperial and Royal Majesty provides, that every foreigner found on board the vessels of war or of commerce of the enemy, is to be treated as a prisoner of war, and can have no right to the protection of the diplomatic and commercial agents of his nation."

Other unjustifiable innovations on the law of nations, are exemplified in the decree of General Ferrand, lately passed at the city of St. Domingo, a translation of which is annexed.

The irregular mode of search above described is also practised by the cruisers of France and Spain.

The cruisers of the two latter Powers have harassed the commerce of the United States in various other forms, but as it is not known or believed that their conduct has been prescribed or sanctioned by the public authority of their respective nations, they are not considered as falling within the purview of the resolution of the Senate. JAMES MADISON.

The Message and documents therein mentioned were read and ordered to lie for consideration.

TUESDAY, January 28.

Mr. LOGAN gave notice that he would, on Thursday next, ask leave to bring in a bill for the punishment of persons counterfeiting the current coin of the United States, and for other purposes.

The bills yesterday brought up from the House of Representatives for concurrence, were severally read and ordered to the second reading.

Mr. WORTHINGTON gave notice that he would, to-morrow, ask leave to bring in a bill explanatory of the act, entitled "An act further providing for the government of the District of Louisiana," and the ordinance of Congress of 13th July, 1787.

The PRESIDENT communicated the report of the Secretary of State, made in pursuance of the resolution of Senate of 2d March last; and the report was read and ordered to lie for consideration.

The bill to repeal in part the fourth section of an act, entitled "An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned," was resumed, as in Committee of the Whole; and having been reported to the House without amendment,

Ordered, That this bill pass to the third reading.

The bill making a further appropriation for the support of the library, was resumed as in Committee of the Whole; and having been amended, was reported to the House, and,

Ordered, That this bill pass to the third reading as amended.

The bill for the relief of Seth Harding, late a Captain in the Navy of the United States, was read a second time, as in Committee of the Whole.

Ordered That the further consideration of this bill be postponed.

The Senate resumed the consideration of the report of the committee to whom was recommitted the bill to empower George Rapp and his associates, of the Society of Harmony, to purchase certain lands; and having adopted the amendment,

Ordered, That this bill pass to the third reading, as amended.

The Senate resumed the consideration of the motion made on the 22d instant, that it be

Resolved, That the report and estimates of the appropriations necessary for the year 1806, be referred to a select committee, with instructions to inquire into the specific expenditures of the respective departments;

And agreed thereto; and

Ordered, That Messrs. TRACY, BALDWIN, ANDERSON, MITCHILL, and SMITH, of Maryland, be the committee to report thereon.

Mr. LOGAN presented the memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, stating the importance thereof to the public, and praying the protection and aid of Congress in the completion of the work; and the petition was read and referred to Messrs. LOGAN, BAYARD, and BRADLEY, to consider and report thereon.

Ordered, That so much of the President's Message of the 17th instant, and the papers accompanying the same, as relates to the spoliations of our commerce on the high seas, and informs us of the new principles assumed by the British Courts of Admiralty, as a pretext for the condemnations

of our vessels in their prize courts, be referred to the committee to whom was referred, on the 15th instant, that part of the President's Message relating thereto.

Mr. SMITH, of Ohio, from the committee to whom was referred, on the 22d instant, the bill authorizing the sale of a certain lot of land, reported amendments; which were read and ordered to lie for consideration.

TRADE WITH ST. DOMINGO.

Mr. LOGAN, to whom was referred, on the 16th instant the bill to suspend, the commercial intercourse between the United States and the French island of St. Domingo, reported the same amended; which was ordered to lie for consideration.

The bill is as follows:

A Bill to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo.

Be it enacted &c., That all commercial intercourse between any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged Government of France, shall be, and from and after due notice of this act at the custom houses respectively, is hereby prohibited. And any ship or vessel, owned, hired or employed, wholly or in part, by any person or persons resident within the United States, or by any citizen or citizens thereof, resident elsewhere, and sailing from any port of the United States after that time, or from any other port in America, after the —— day of —— next; or from any other port whatever, after the —— day of —— next; which, contrary to the intent hereof, shall be voluntarily carried, or shall be destined to proceed, whether directly, or from any intermediate port or place, to any port or place within the island of St. Domingo, and not in possession, and under the acknowledged Government of France; and also any cargo which shall be found on board of such ship or vessel, when detected or interrupted in such unlawful purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States.

SEC. 2. *And be it further enacted*, That after due notice of this act at the several custom houses, no ship or vessel whatever shall receive a clearance for any port or place within the island of St. Domingo, and not in the actual possession of France: nor shall any clearance be granted for a foreign voyage to any ship or vessel, owned, hired or employed, wholly or in part, by any person or persons, resident in the United States, or by any citizen or citizens thereof resident elsewhere, until the owner or the employer for the voyage, or his factor or agent, with the master, and one or more sufficient surety or sureties, to the satisfaction of the collector of the district, shall give bond to the United States; such owner, employer or factor, with the master, in a sum equal to the value of the vessel and of her cargo; and such surety or sureties in a sum equal to the value of the vessel and of one-third of her cargo, when it shall not exceed ten thousand dollars; and if it shall exceed, then in that sum, with condition that the ship or vessel, for which a clearance shall be required, is actually destined, and shall proceed to some port or place without the limits of such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged Government of France, and during the intended voyage shall not be voluntarily carried or permitted to proceed, whether, directly, or from any intermediate port or place, to any port or place within such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged Government of France, and shall not, at any such port or place, voluntarily sell, deliver, or unlade any part of such cargo; and generally that such ship or vessel, whilst on such voyage, shall not be employed in any traffic or commerce with or for any person resident within any part of the island of St. Domingo, not in the actual possession, and under the acknowledged Government of France.

SEC. 3. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, and which may be recovered, shall be distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage;" and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned."

DEFENCE OF NEW YORK.

Mr. MITCHILL, from the committee to whom was referred the memorial of the merchants of New York, submitted a report on that part of the same which relates to the "defenceless situation of the port of New York;" which was ordered to lie for consideration. The report is as follows:

Early in the history of North America, the harbor of New York was discovered by the Dutch to be a convenient place of resort for ships. Subsequent experience has proved the judgment of the Hollanders to have been good. The place where the North river forms a junction with Long Island Sound, is as well, if not better, adapted to navigation and trade, than any which the Atlantic coast affords.

The city, at the head of the harbor, is about twenty-seven miles from the ocean. The ebb and flow of the tide is about six feet. The saltness of the water is not much inferior to that of the neighboring sea.

The harbor is a bay, or basin, surrounded chiefly by islands, though the space from the foot of the Neversink hills to the river Raritan, and another space, from Bergen Point to Hoboken, are parts of the main land which skirt the shores between the insular positions. The land is mostly low, and is composed principally of gravel, sand, and loam; and in certain spots strata of solid granite appear.

The island of Sandy Hook, where the light-house stands, is little more than a beach, rising not far above the level of spring tides. Staten Island swells into moderate hills, and presents, especially on its eastern side, several bold elevations. Long Island, whose western extremity loses its ridges and hills in the plains of Flatlands and New Utrecht, still retains at the Narrows, where its cliffs are somewhat abrupt and prominent, several positions of considerable strength. In these shores of the two last mentioned islands, the army of the enemy was landed in 1776, and a repetition of such an invasion, might be discouraged by the erection of suitable works to oppose it. Governor's Island has been already much improved by military works, and is the spot on which Fort Jay, and the principal other fortifications, have been erected. Bedlow Island, though very small, has also been considered proper for defensive operations, and in some degree prepared to annoy an enemy. On Manhattan Island,

where the city of New York stands, there was once a fort and battery. These have been demolished of late years, under a conviction of their unfitness, as have likewise some more recent breast-works and parapets, which, though constructed but eight or nine years ago, were, within a twelvemonth, destroyed by the people who made them.

Between these islands there are deep channels, and rapid currents. Ships of large force may be brought in from the sea, and anchored in safety abreast of the town. And having once reached that station, there is water enough to convey frigates, or even larger ships, quite to the city of Hudson.

To the saltness, depth, and swiftness of the current, is to be ascribed the openness of the harbor of New York during the winter. In 1780, its surface was covered by a thick, strong, covering of ice. The like has never happened since, not even during the rigorous winter of 1805; and it is remarkable, that, while the Delaware, Patapsco, and Potomac, are frozen, and Philadelphia, Baltimore, and Alexandria, are secured thereby from the fleets of an invader, the bay of New York, though situated further to the northward, possesses, commonly, no such protection, but is accessible from the ocean with but trifling impediment.

The insecurity of the city is evinced by other facts. With a small squadron of ships, in 1674, the English took it from the Dutch. Shortly afterwards, it was retaken with almost equal ease. No cause of attack occurring until the commencement of the Revolutionary war, it was found utterly incapable of defence against a hostile fleet and army, in 1776, and abandoned to the enemy by the troops arrayed for its protection; and that very foe, which then gained the possession, held it as a garrison until 1783, when, on its evacuation, the inhabitants were enabled to return to their homes, after an exile of seven long years.

Since the Revolution, New York has greatly increased in population, extent, capital, and enterprise. The memorialists state, that, there one-third of the national revenue is collected. They hope so important a seaport may be thought worthy of an efficient defence. And they beg that a portion of the public treasure, accumulated in that place, may be expended in rendering both that treasure and the city in which it is kept, more secure.

For the further information of the Senate, the committee beg leave to observe, that, a piece of land has been already purchased by the State, on Staten Island, comprehending the high points on which the signal-poles of the merchants are erected. The greater part of Governor's Island is understood to be the property of the State, a small part of it, only, having been purchased by the nation. On these parcels of ground, the labor of constructing works is the principal matter of expense; and it is in this posture of affairs, that the memorialists, after the State has done so much, ask the nation to bear a proportional part of the charge necessary to provide more formidable means of defence and offence.

Extravagant estimates have been made by certain jobbers and projectors. Artificial islands, and immense piers, and enormous floating batteries, and vast chevaux-de-frises, have been talked of—enough to absorb the whole revenue, and to terrify all sober calculators of the cost. The committee have dismissed those schemes as favoring rather of the visionary and magnificent, than of the useful and feasible. They content themselves with recommending an appropriation, to a moderate amount, for making further military improvements on the sites already purchased, and which the State may hereafter purchase and surrender; in full confidence at the same time, that a due proportion of the heavy artillery, armed ships, and gun-boats of the nation, will be stationed at the harbor of New York.

Under these impressions the following proposition is submitted:

"*Resolved*, That it is expedient to appropriate the sum of $——, to be laid out in such manner, and under such direction, as Congress shall judge proper, in fortifying the harbor and city of New York."

The committee have deemed it to be within the limits assigned them, to recommend another proposition, in favor of the capital of South Carolina:

"*Resolved*, That it is expedient to appropriate the sum of $——, to be laid out in such manner, and under such regulations, as Congress shall judge proper, in fortifying the port of Charleston, in South Carolina."

And for the purpose of providing for other defenceless places, if any such there be, the committee submit another proposition:

"*Resolved*, That it is expedient to appropriate the sum of $——, to be laid out in fortifying such ports and harbors, other than New York and Charleston, as the President of the United States shall think most conducive to the public security.

On motion, that the third reading of the bill entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," be postponed, the Senate were equally divided: yeas 15; nays 15; and the question of postponement was determined by the President in the affirmative.

WEDNESDAY, January 29.

Agreeably to notice given yesterday, Mr. WORTHINGTON asked and obtained leave to bring in a bill explanatory of the act, entitled "An act further providing for the government of the district of Louisiana," and the ordinance of Congress of the 13th of July, 1787; and the bill was read and ordered to the third reading.

The bill, entitled "An act to extend jurisdiction, in certain cases, to State judges and State courts," was read the second time, and referred to Messrs. MITCHILL, TRACY, and BALDWIN, to consider and report thereon.

The bill, entitled "An act authorizing a detachment from the militia of the United States," was read the second time, and referred to Messrs. SUMTER, SMITH, of Maryland, and BALDWIN, to consider and report thereon.

The Senate resumed the consideration of the bill for the relief of Seth Harding, late a Captain in the Navy of the United States, as in Committee of the Whole, and the bill having been reported to the House without amendment.

Ordered, That it pass to a third reading.

The bill to empower George Rapp and his associates, of the Society of Harmony, to purchase certain lands, was read the third time, and passed.

The Senate resumed the consideration of the bill for the protection and indemnification of American seamen, as in Committee of the Whole; and the further consideration of the bill was postponed.

The PRESIDENT communicated a letter from the Treasurer of the United States, with his general account from October 1, 1804, to October 1, 1805; also, the accounts of the War and Navy Departments for the same period; which were read, and ordered to lie on the table.

The following Message was received from the President of the United States:

To the Senate and House of Representatives:

Having received from sundry merchants of Baltimore, a memorial on the same subject with those which I communicated to Congress with my message of 17th instant, I now communicate this also, as a proper sequel to the former, and as making a part of the mass of evidence of the violations of our rights on the ocean.

TH. JEFFERSON.

JANUARY 29, 1806.

The Message and paper therein mentioned were read, and referred, together with the message received on the 17th instant, to Messrs. SMITH of Maryland, MITCHILL, ANDERSON, LOGAN, TRACY, ADAMS, and BALDWIN, the committee to whom was referred, on the 15th instant, that part of the Message of the President of the United States, at the opening of the session, which relates to the violations of neutral rights.

THURSDAY, January 30.

The bill explanatory of the act, entitled "An act further providing for the government of the district of Louisiana," and the ordinance of Congress of the 13th of July, 1787, was read the second time, and referred to Messrs. WORTHINGON, MOORE, and TRACY, to consider and report thereon.

The Senate resumed the consideration of the amendment reported to the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo, as in Committee of the Whole, and the further consideration thereof was made the order of the day for Monday next.

The bill for the relief of Seth Harding, late a Captain in the Navy of the United States, was read the third time and amended, and a further amendment proposed.

The bill, entitled "An act making provision for defraying the extraordinary expenses attending the intercourse between the United States and foreign nations," was read the third time.

A motion was made to amend the bill; after debate,

Ordered, That the further consideration thereof be postponed until to-morrow

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FRIDAY, January 31.

Mr. MACLAY, from the committee to whom was referred, on the 22d instant, the bill entitled "An act for the relief of the Governor, Secretary, and Judges, of the late territory of the United States northwest of the river Ohio," reported the same without amendment.

Ordered, That this bill pass to a third reading.

The Senate resumed the consideration of the report of the committee to whom was referred the bill authorizing the sale of a certain lot of land, as in Committee of the Whole; and the amendments proposed having been adopted, the bill was reported to the House with the amendments.

Ordered, That this bill pass to a third reading as amended.

Resolved, That provision ought to be made by law for the compensation of the witnesses who attended, under process, the trial of the impeachment of Samuel Chase, one of the Judges of the United States; and

Ordered, That Messrs. BAYARD, BALDWIN, and ANDERSON, be a committee to bring in a bill accordingly.

The Senate resumed the consideration of the bill for the protection and indemnification of American seamen.

Ordered, That it be referred to Messrs. WRIGHT, BALDWIN, TRACY, LOGAN, and SMITH, of Maryland, to consider and report thereon.

The third reading of the bill for the relief of Seth Harding, late a Captain in the Navy of the United States, was resumed, and the further consideration of the bill was postponed to Monday next.

The bill to repeal, in part, the fourth section of an act, entitled "An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned," was read the third time, and passed.

The bill making a further appropriation for the support of the library was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States, and for other purposes, relative to the public debt;" in which they desire the concurrence of the Senate.

Agreeably to notice given on the 28th instant, Mr. LOGAN asked and obtained leave to bring in a bill for the punishment of persons counterfeiting the current coin of the United States, and for other purposes; and the bill was read, and ordered to the second reading.

The third reading of the bill, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," was resumed; and, on the question to amend the bill, as follows: After the words "United States," sec. 1, insert "for the purpose of obtaining by negotiation, or otherwise, as he may deem most expedient, the free navigation of the river St. Lawrence, as His Britannic Majesty's territory, lying south and east thereof, or any other territory lying east of the Mississippi, and south of the aforesaid river St. Lawrence not owned or possessed by citizens of the United States."

It was determined in the negative—yeas 10, nays 21, as follows:

YEAS—Messrs. Adams, Bayard, Bradley, Hillhouse, Pickering, Plumer, Smith of Vermont, Tracy, White, and Wright.

NAYS—Messrs. Adair, Anderson, Baldwin, Condit, Fenner, Gaillard, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith, of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Sumter, Thruston, Turner, and Worthington.

On motion to amend the bill by inserting, in sec. 1, after the words "United States," "towards the settling, establishing, and defending, the boundaries of the United States;"

It was determined in the negative—yeas 10, nays 20, as follows:

YEAS—Messrs. Adams, Bayard, Bradley, Gilman, Hillhouse, Pickering, Plumer, Smith of Maryland, Tracy, and White.

NAYS—Messrs. Adair, Anderson, Baldwin, Condit, Fenner, Gaillard, Howland, Kitchel, Logan, Maclay, Moore, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Thruston, Turner, Worthington, and Wright.

MONDAY, February 3.

The bill brought up from the House of Representatives for concurrence, on Friday last, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States, and for other purposes relative to the public debt," was read, and ordered to the second reading.

Mr. MITCHILL presented the memorial of the inhabitants of the town of Salem, in the State of Massachusetts, complaining of new principles and expositions of the law of nations, in the Admiralty Courts of Great Britain, and stating the great losses and sufferings induced thereby to neutral commerce, and praying the interposition of Government; and the memorial was read and referred to the committee appointed on the 15th of January last, to whom was also referred the memorial of the merchants of Baltimore, on a similar subject, to consider and report thereon.

Mr. MITCHILL also presented the memorial of the governor of the hospital in the city of New York, stating the inadequacy of the provisions made for the support of American seamen, from time to time admitted into that hospital, and praying an increase of the funds for that purpose; and the memorial was read, and referred to Messrs. MITCHILL, ADAMS, and SMITH, of Maryland, to consider and report thereon.

The bill for the punishment of persons counterfeiting the current coin of the United States, and for other purposes, was read the second time, and referred to Messrs. LOGAN, BAYARD, and TRACY, to consider and report thereon.

Mr. PICKERING presented the memorial of the merchants of Boston, stating great injuries sustained by the aggressions of the belligerent Powers, and particularly from the recent construction of the law of nations respecting neutral commerce, in the Admiralty Courts of Great Britain; and the memorial was read, and referred to the committee appointed on the 15th January, to whom were referred also the memorial of the merchants of Baltimore and of the town of Salem, on the same subject.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

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

A letter has been received from the Governor of South Carolina, covering an act of the Legislature of that State, ceding to the United States various forts and fortifications, and sites for the erection of forts in that State, on the conditions therein expressed. This letter and the act it covered are now communicated to Congress.

I am not informed whether the positions ceded are the best which can be taken for securing their respective objects. No doubt is entertained that the Legislature deemed them such. The river of Beaufort, particularly, said to be accessible to ships of very large size, and capable of yielding them a protection which they cannot find elsewhere, but very far to the north, is, from these circumstances, so interesting to the Union in general, as to merit particular attention and inquiry, as to the positions on it best calculated for health as well as safety.

TH. JEFFERSON.

FEBRUARY 3, 1806.

The Message and papers referred to were read, and ordered to lie for consideration.

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

In the course of the last year, the following treaties and conventions for the extinguishment of Indian title to land within our limits, were entered into on behalf of the United States:

A treaty between the United States and the Wyandots, Ottawa, Chippeway, Munsee, Delaware, Shawanee, and Pottawatamy nations of Indians.

A treaty between the United States and the agents of the Connecticut land company on one part, and the Wyandot, Ottawa, Chippewa, Munsee, Delaware, Pottawatamy, and Shawanee nations of Indians.

A treaty between the United States and the Delawares, Pottawatamies, Miamis, Eeel rivers, and Weas.

A treaty between the United States and the Chickasaw nation of Indians.

Two treaties between the United States and the Cherokee Indians.

A convention between the United States and the Creek nation of Indians.

The Senate having advised and consented to the ratification of these several treaties and conventions, I now lay them before both Houses of Congress, for the exercise of their Constitutional powers, as to the means of fulfilling them.

TH. JEFFERSON.

FEBRUARY 3, 1806.

The Message was read, and ordered to lie for consideration.

On motion, the galleries were cleared, and the doors of the Senate Chamber closed; and, after the consideration of the confidential business, the Senate adjourned.

TUESDAY, February 4.

Mr. BRADLEY, from the committee to whom was referred, on the 13th of December last, the bill, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition from the United States, and the territories there-

of," reported the bill with amendments; which were read, and ordered to lie for consideration.

The bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment of lands of the United States, and for other purposes relative to the public debt," was read the second time, and referred to Messrs. TRACY, WORTHINGTON, and BALDWIN, to consider and report thereon.

Mr. BAYARD, from the committee appointed on the 31st of January last, on the subject, reported a bill making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase; and the bill was read, and ordered to the second reading.

Mr. SMITH, of Maryland, from the committee appointed the 31st of December last, to consider the petition of the lawyers practising at the bar of the Supreme Court of New Orleans, asked and obtained leave to report by bill or otherwise; and he reported a bill relating to the salaries of the Judges of New Orleans; which bill was read, and ordered to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for altering the time for holding the circuit court in the district of North Carolina," in which bill they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

The Senate took into consideration the amendments reported by the committee, on the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo, as in Committee of the Whole; and, on motion, it was agreed to strike out the first section of the original bill, after the word "that," in the enacting clause; and a motion was made to adopt the amendment reported to the first section, amended as follows:

"All commercial intercourse between any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo not in possession and under the acknowledged Government of France, shall be, and from and after —— is hereby, prohibited: And any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons resident within the United States, after that time, or from any other port in America, after the —— day of —— next; or from any other port whatever, after the —— day of —— next, which, contrary to the intent hereof, shall be voluntarily carried, or shall be destined to proceed, whether directly, or from any intermediate port or place, to any port or place within the island of St. Domingo, and not in possession, and under the acknowledged Government of France; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States:"

It passed in the affirmative—yeas 22, nays 9, as follows:

YEAS—Messrs. Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Sumter, Thruston, Turner, Worthington, and Wright.

NAYS—Messrs. Bayard, Hillhouse, Pickering, Plumer, Smith of Ohio, Smith of Vermont, Stone, Tracy, and White.

And, after debate, the further consideration of this bill was postponed until to-morrow.

The following resolutions were submitted for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a statement of the value of the merchandise exported from the United States and its territories, to that part of the island of St. Domingo called Hayti, and of the goods imported from thence into the United States; also, of the quantity of tonnage employed in the said trade; also, of the duties levied and collected within the United States and the territories, from said imports.

Resolved, That the President of the United States be requested to cause to be laid before the Senate, if, in his opinion, the same can be done with propriety, copies of such letters as have passed between the Executive of the United States and the French Minister, relative to the trade carried on by the American merchants, to that part of St. Domingo called Hayti.

WEDNESDAY, February 5.

The PRESIDENT laid before the Senate the report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board subsequent to their report of 5th February, 1805, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to the Board, dated the 4th of the present month; and in the statements therein refered to, which are herewith transmitted, and prayed to be considered as part of the report. And the report was read, and ordered to lie for consideration.

Mr. SMITH, of Maryland, from the committee appointed the 15th of January last, on that part of the Message of the President of the United States, which relates to the spoliation of our commerce on the high seas, and informs us of new principles assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels in their prize courts, made report, and the report was read, and ordered to lie for consideration.

The motion, that it be

Resolved, That a committee be appointed to inquire why the expenditures in the Navy Department, for the year 105, have so far exceeded the appropriations for the same, and report thereon to the Senate;

was resumed and adopted; and ordered that it be referred to the committee appointed on the 28th January last, to make inquiry into the specific expenditures of the respective departments, to report thereon.

The bill making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase, was read the second time, and ordered to the third reading.

The bill, entitled "An act for altering the time of holding the circuit court in the district of North

Carolina," was read the second time, and referred to Messrs. ADAIR, STONE, and THRUSTON, to consider and report thereon.

On motion,

That the Sergeant-at-Arms receive for his attendance at the Court of Impeachment for the trial of Judge Chase, compensation for twenty-seven days attendance, at the rate of five dollars per day; and

That the Assistant Doorkeeper receive at the rate of two dollars per day, during the said trial, to be paid out of the contingent funds of the Senate:

Ordered, That this motion lie for consideration.

The Senate took into consideration the first resolution submitted yesterday; and, on the question to agree to the said resolution, as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate a statement of the value of the merchandise exported from the United States and its territories, to that part of the island of St. Domingo called Hayti, and of the goods imported from thence into the United States; also, of the quantity of tonnage employed in the said trade; also, of the duties levied and collected within the United States and the territories, from said imports;

It passed in the negative—yeas 9, nays 22, as follows:

YEAS—Messrs. Adams, Bayard, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, White, and Wright.

NAYS—Messsrs. Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Turner, and Worthington.

The Senate took into consideration the second resolution submitted yesterday; and on the question to agree to the said resolution, as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, if, in his opinion, the same can be done with propriety, copies of such letters as have passed between the Executive of the United States and the French Minister, relative to the trade carried on by the American merchants to that part of St. Domingo called Hayti.

It passed in the negative—yeas 10, nays 21, as follows:

YEAS—Messs. Adams, Bayard, Hillhouse, Pickering, Plumer, Smith of Ohio, Stone, Tracy, White, and Wright.

NAYS—Messrs. Adair, Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Sumter, Thruston, Turner, and Worthington.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act regulating bonds given by marshals;" in which they desire the concurrence of the Senate.

The bill was read, and ordered to the second ing.

The Senate resumed, as in Committee of the Whole, the consideration of the amendments reported to the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo; and a motion was made to strike out all the words reported by the special committee as a second section, after the word, "that," in the enacting clause, and to substitute an amendment; and, on motion, the Senate adjourned.

THURSDAY, February 6.

The bill relating to the salaries of the Judges of New Orleans, was read the second time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

Since the date of my Message of January 17th, a letter of the 26th of November has been received from the Minister Plenipotentiary of the United States, at London, covering one from the Secretary for Foreign Affairs of that Government, which, being on the subject of that Message, is now transmitted for the information of Congress. Although nothing forbids the substance of these letters from being communicated without reserve, yet, so many ill effects proceed from the publications of correspondences between Ministers remaining still in office, that I cannot but recommend that these letters be not permitted to be formally published.

TH. JEFFERSON.

FEBRUARY 6, 1806.

The Message was read, and ordered to lie for consideration.

The Senate resumed the third reading of the bill, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations; and,

On motion that the bill, and message from the House of Representatives accompanying the same, be referred to a select committee, with instructions to inquire and report to the Senate their opinion, whether West Florida was or was not included in the cession of Louisiana to the United States by the treaty with France, concluded on the 30th of April, 1803, together with the evidence upon which such an opinion may be supported; it was determined in the negative—yeas 8, nays 23, as follows:

YEAS—Messrs. Adair, Adams, Bayard, Hillhouse, Pickering, Plumer, Tracy, and White.

NAYS—Messrs. Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Thruston, Turner, Worthington, and Wright.

On motion to postpone the further consideration of the bill at this time, and to take up the following resolution:

Resolved, That the President be requested to lay before the Senate the instructions given to Messrs. Monroe and Pinckney, late Ministers of the United States to the Court of Spain, together with the facts and arguments exhibited by them, in their negotiation, in support of their claims to territories eastward of the Mississippi, as far as the river Perdido, and of territory on the western side of the Mississippi, as far as the Rio Bravo; the essay of Mr. Cevallos, the Minister of His Catholic Majesty, in answer to our Ministers, in

relation to the western limits; and any other documents in his possession, tending to establish the rightful boundaries of Louisiana.

It passed in the negative.

FRIDAY, February 7.

The bill, entitled "An act relating to bonds given by marshals," was read the second time, and ordered to be referred to Messrs. MITCHILL, STONE, and WORTHINGTON, to consider and report thereon.

Mr. HILLHOUSE presented the petition of Timothy Mix, a lieutenant in the Revolutionary war, and wounded in that service, and praying that his pension, for the remainder of his life, may be made equal to a lieutenant's half-pay, for reasons mentioned in the petition; which was read.

Ordered, That it be referred to the committee appointed on the 20th of December last, to whom was referred the bill, entitled "An act making provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," to consider and report thereon.

The Senate resumed the third reading of the bill, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations; and,

On motion to postpone the further consideration of the bill at this time, and to take up the following resolution:

Resolved, That the President of the United States be requested to renew our negotiations with the Spanish Government, in such a manner as may bring every subject in controversy between the two countries to a speedy termination, equally advantageous to both."

It passed in the negative.

On motion to strike out of the bill the words "two millions," section one, and, in lieu thereof, insert "one million;" a division was called for, and the question on striking out was determined in the negative—yeas 13, nays 18, as follows:

YEAS—Messrs. Adair, Adams, Bayard, Bradley, Gilman, Hillhouse, Logan, Mitchill, Pickering, Plumer, Stone, Tracy, and White.

NAYS—Messrs. Anderson, Baldwin, Condit, Fenner, Gaillard, Howland, Kitchel, Maclay, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Sumter, Thruston, Turner, Worthington, and Wright.

On motion, to amend the bill, by inserting after the word "applied," in the first section, the words "for the purchase from the Spanish Government of their territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the river Mississippi," it passed in the negative—yeas 9, nays 20, as follows:

YEAS—Messrs. Adair, Adams, Bayard, Gilman, Hillhouse, Pickering, Plumer, Tracy, and White.

NAYS—Messrs. Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Howland, Kitchel, Maclay, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Thruston, Turner, Worthington, and Wright.

On motion to postpone the consideration of the bill until Monday next, it passed in the negative.

On motion to agree to the final passage of the bill, it passed in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Anderson, Baldwin, Condit, Fenner, Gaillard, Howland, Kitchel, Maclay, Moore, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Thruston, Turner, Worthington, and Wright.

NAYS—Messrs. Adair, Adams, Bayard, Gilman, Hillhouse, Pickering, Plumer, Stone, Sumter, Tracy, and White.

So it was *Resolved*, That this bill pass.

Ordered, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

MONDAY, February 10.

The Senate resumed, as in Committee of the Whole, the consideration of the amendments reported to the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo; and, having amended the report, it was in part adopted, and the bill was reported to the House accordingly; and the bill having been further amended,

Ordered, That it pass to the third reading as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of North Carolina;" a bill, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed on the 21st day of December, 1804, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports;" also, a bill, entitled "An act to regulate and fix the compensation of officers of the Senate and House of Representatives;" in which bills they desire the concurrence of the Senate.

The bills brought up for consideration were read, and ordered to the second reading.

Mr. WRIGHT, from the committee to whom was referred, on the 31st of January last, the bill for the protection and indemnification of American seamen, reported it without amendment.

Mr. THRUSTON, from the committee to whom was referred, on the 5th instant, the bill, entitled, "An act for altering the time for holding the circuit court in the district of North Carolina," reported the bill with amendments; which were read, and ordered to lie for consideration.

The Senate resumed the third reading of the bill for the relief of Seth Harding, late a captain in the Navy of the United States; and, on motion, to strike out the word "that," in the third line, to the end of the bill, and insert—

"Seth Harding, formerly a captain in the Navy of the United States, during the war of the Revolution, be placed on the pension list of the United States, and receive, from the first of January last, for and during

his life, a pension of the half pay of a captain of ships of twenty guns and upwards, according to the pay established by the resolution of Congress of the 15th of November, 1776:"

It passed in the negative.

On motion to agree to the final passage of this bill, it was determined in the affirmative—yeas 19, nays 8, as follows:

YEAS—Messrs. Adair, Anderson, Bayard, Bradley, Gaillard, Hillhouse, Howland, Kitchel, Logan, Maclay, Mitchill, Smith of Maryland, Smith of Vermont, Sumter, Thruston, Turner, White, Worthington, and Wright.

NAYS—Messrs. Adams, Baldwin, Moore, Pickering, Plumer, Smith of New York, Smith of Tennessee, and Stone.

So it was *Resolved*, That this bill do pass, that it be engrossed, and that the title thereof be "An act for the relief of Seth Harding, a captain in the Navy of the United States."

TUESDAY, February 11.

The bill, entitled "An act to regulate and fix the compensation of officers of the Senate and House of Representatives," was read the second time and referred to Messrs. TRACY, ANDERSON, and BALDWIN, to consider and report thereon.

The bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of North Carolina," was read the second time, and referred to Messrs. BRADLEY, ANDERSON and TRACY, to consider and report thereon.

The bill, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed the 21st day of December, 1804, so far as the same relates to the authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports," was read the second time, and referred to Messrs. GAILLARD, STONE, and ADAMS, to consider and report thereon.

The Senate took into consideration the resolutions proposed on the 19th of December last, relative to the opening one or more land offices in the State of Tennessee, for the sale of lands of the United States in that State on which the Indian title shall have been extinguished; and they were referred to Messrs. BRADLEY, TRACY, and ANDERSON, to consider and report thereon.

The bill authorizing the sale of a certain lot of land, was read the third time and passed

The bill making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase, was read the third time and passed.

The bill, brought up from the House of Representatives for concurrence, entitled "An act for the relief of the Governor, Secretary, and Judges, of the Territory of the United States Northwest of the river Ohio," was read the third time, and passed.

The bill to suspend the commercial intercourse between the United States and the French island of St. Domingo, was read the third time and amended; and the bill was committed to Messrs. BALDWIN, LOGAN, and BRADLEY, further to consider and report thereon.

The Senate took into consideration the amendments reported on the fourth instant to the bill, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition from the United States, and the Territories thereof," as in Committee of the Whole; and having adopted the amendments, the bill was reported to the House accordingly, and ordered to the third reading as amended.

WEDNESDAY, February 12.

The amendments reported by the committee to the bill, entitled "An act for altering the time for holding the circuit court in the district of North Carolina," were considered and adopted; and the bill was reported to the House accordingly, and ordered to the third reading as amended.

Mr. MITCHILL, from the committee to whom was referred, on the seventh instant, the bill, entitled "An act relating to bonds given by marshals," reported the bill with amendments, which were read, and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the bill relating to the salaries of the judges of New Orleans, and the consideration thereof was postponed.

After the consideration of the Executive business, the following resolution was submitted by Mr. SMITH, of Maryland; and having been read, was ordered to lie for consideration:

Resolved, That, from and after the —— day of —— next, it shall not be lawful to import into the United States, on board any foreign ship, any goods, wares, or merchandise, other than such as are the growth, produce, or manufacture, of the nation to which such foreign ship shall belong, except on board the ships of such foreign nations who admit the importation into their ports of goods, although they are not the growth, produce, or manufacture, of the United States, in the ships or vessels of the United States.

Mr. ADAMS gave notice that he should, to-morrow, ask leave to bring in a bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States.

The bill, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, from the United States and the Territories thereof," was resumed; and the further consideration of the bill postponed until the first day of March next.

BRITISH AGGRESSIONS.

The Senate resumed the report of the committee, of the fifth instant, on that part of the Message of the President of the United States which relates to the spoliation of our commerce on the high seas, and of the new principles assumed by the British Courts of Admiralty, as a pretext for the condemnation of our vessels, in their prize courts, to wit:

1. *Resolved*, That the capture and condemnation, under the orders of the British Government, and adjudications of their Courts of Admiralty, of American vessels and their cargoes, on the pretext of their being em-

ployed in a trade with the enemies of Great Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and an encroachment upon their national independence.

2. *Resolved*, That the President of the United States be requested to demand and insist upon the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, and particularly respecting the impressment of American seamen, as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.

3. *Resolved*, That it is expedient to prohibit by law the importation into the United States of any of the following goods, wares, or merchandise, being the growth, produce, or manufacture, of the United Kingdom of Great Britain and Ireland, or the dependencies thereof, that is to say: woollens, linens, hats, nails, looking glasses, rum, hard-wares, slate, salt, coal, boots, shoes, ribbons, silks, and plated and glass-wares. The said prohibition to commence from the —— day of ——, unless previously thereto equitable arrangements shall be made between the two Governments, on the differences subsisting between them; and to continue until such arrangements shall be agreed upon and settled.

On motion to amend the first resolution reported by the committee, as follows:

Resolved, That the capture of American vessels and their cargoes, for the adjudication, under the orders of the British Government, and their condemnation by their Courts of Admiralty, on the pretext of their being employed in a trade with the enemies of Great Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and an encroachment upon their national independence:

It passed in the negative.

And, on the question to adopt the first resolution, as reported by the committee, it was determined unanimously in the affirmative—yeas 28, as follows:

YEAS—Messrs. Anderson, Baldwin, Bayard, Bradley, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Tracy, Turner, White, Worthington, and Wright.

THURSDAY, February 13.

Mr. SMITH, of Ohio, presented the petitions of Daniel Clark, John Hays, and John Dawson and others, purchasers of lands of the United States, in the now State of Ohio, praying an extension of the time for their future payment, and a remission of interest on their several instalments, for reasons mentioned in the petition; and the petitions were read.

Ordered, That they severally be referred to the committee appointed on the 16th of January last, on petitions of a similar nature, to consider and report thereon.

Mr. WORTHINGTON, from the committee to whom was referred, on the 22d of January last, the bill, entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana," reported the bill with an amendment; which was read, and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the bill relating to the salaries of the judges of New Orleans; and the bill was amended, and reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the board of wardens for the port of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned."

The bill brought up for concurrence was read, and ordered to the second reading.

The PRESIDENT communicated the report of the Postmaster General "of the post roads which have not produced one-third part of the expense of carrying the mail upon them during the last year;" and the report was read, and ordered to lie for consideration.

Mr. MITCHILL, from the committee to whom was referred, on the 29th of January last, the bill, entitled "An act to extend jurisdiction, in certain cases, to State judges and State courts," reported amendments; which were read.

Ordered, That they lie for consideration.

Mr. MITCHILL presented a memorial, signed Gershom Craft, President of the American Convention for promoting the abolition of slavery, praying certain additional provisions to the laws on that subject; and the memorial was read.

Mr. BALDWIN, from the committee to whom was referred, on the 11th instant, the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo, reported amendments; which were read, and ordered to lie for consideration.

The bill, entitled "An act for altering the time for holding the circuit court in the district of North Carolina," was read the third time as amended.

Resolved, That this bill pass, with amendments.

PRIVILEGES OF FOREIGN MINISTERS.

Agreeably to notice given yesterday, Mr. ADAMS asked and obtained leave to bring in a bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States; and the bill was read, and ordered to the second reading. The bill is as follows:

Be it enacted, &c., That, from and after the passage of this act, if any foreign Ambassador, Minister, or other person entitled to enjoy within the United States the privileges and immunities of a foreign Minister, shall

commit any violation of the municipal laws, which, if committed by a person amenable to the ordinary judicial authority of the place where such Ambassador, Minister, or other person, may be at the time of committing such offence, would be indictable by a grand jury, and punishable by death, by corporal punishment, or by imprisonment or confinement to labor, the President of the United States upon application made to him by the Executive authority of the State or Territory where such offence may be committed, or upon the complaint to him of any person injured or aggrieved by such offence so committed, and upon proof of the facts, satisfactory to the said President, being furnished to him in support of such application or complaint, shall be, and he hereby is, authorized to demand of the Sovereign of the said offending Ambassador, Minister, or other person, justice upon the offender, and reparation to any person or persons thus injured or aggrieved; and in case of the refusal or neglect of the said Sovereign, to comply with such demand for justice and reparation, the President of the United States is hereby further authorized to order such Ambassador, Minister, or other person so offending, to depart from the United States and the Territories thereof; or to send him home to his Sovereign, according to the aggravation of the offence, and at his the said President's discretion.

SEC. 2. *And be it further enacted,* That, from and after the passage of this act, if any foreign Ambassador, Minister, or other person entitled to enjoy within the United States the privileges and immunities of a foreign Minister, shall, within the United States or the Territories thereof, commit any act of hostility, or enter into any conspiracy against the Government of the United States, or shall personally insult or treat with disrespect the President of the United States for the time being, the said President shall be, and is hereby authorized, at his discretion, to order the said Ambassador, Minister, or other person so offending, to withdraw from the seat of Government and the Territory of Columbia, or to depart from the United States and the Territories thereof; and in case of refusal or neglect by such Ambassador, Minister, or other person as aforesaid, to obey such order within a reasonable time, of which the said President shall judge, the said President shall be and is hereby further authorized to send the said Ambassador, Minister, or other person as aforesaid, home to his Sovereign; and in either case to demand of the said Sovereign the punishment of such offending Ambassador, Minister, or other person as aforesaid, according to the nature and aggravation of the offence, and conformably to the law of nations.

SEC. 3. *And be it further enacted,* That, in every case, when the President of the United States shall, under the authority of this act, order any foreign Ambassador, Minister, or other person entitled to enjoy within the United States the privileges and immunities of a foreign Minister, to withdraw from the seat of Government and the Territory of Columbia; or to depart from the United States and the Territories thereof; or shall send any such offending Ambassador, Minister, or other person as aforesaid, home to his Sovereign; the said President shall, in the order given to such Ambassador, Minister, or other person as aforesaid to depart, or to withdraw, signify the offence upon which such order shall be founded; and shall assign to the Sovereign of the said Ambassador, Minister, or other person as aforesaid, the reasons for which such order shall have been given, or for which the said Ambassador, Minister, or other person as aforesaid, shall be sent home; particularly specifying that such proceedings are not on account of any national differences, but on account of the personal misconduct of such Ambassador, Minister, or other person as aforesaid.

BRITISH AGGRESSIONS.

The report of the committee, made on the 5th instant, on that part of the Message of the President of the United States which relates to the spoliation of our commerce, and of the new principles assumed by the British Courts of Admiralty, was resumed.

Mr. ISRAEL SMITH said that he was extremely sorry that he could not bring his mind to assent to the second resolution; because he viewed it of great importance that there should be unanimity upon a subject of this nature. He was not opposed to it from any Constitutional objection, arising from a belief that the Senate had no right to give their advice and consent to the Executive as to the course and conditions upon which they desired that an accommodation might be brought about; but he was opposed to it from the peculiar impropriety of so doing, deduced from the whole circumstances of the case, as it now presented itself for consideration. It would be recollected by the Senate, that many of our complaints against the British Government were of long continuance; that they had been the subject of our pointed and repeated remonstrances, and in a particular manner, the impressment of American seamen; that, on a former occasion, they had committed vast spoliations on our commerce, not under the sanction of the laws of nations, as their subsequent transactions with our Government have acknowledged; but under the authority of the particular orders of their Government, thereby subjecting the property of our merchants upon the high seas, not only to the restrictions and forfeitures incurred by the law of nations, but also exposing it to all the vexations and forfeitures growing out of the caprice of British orders of capture. The late encroachments on our rights as a neutral nation, and which are now the subject of consideration, are of a nature similar to those we have before experienced, and proceed from the same unwarrantable cause; and, further, are continued in full force and operation at the very moment our Government is pressing upon their consideration the injustice of their proceedings, by argument, too strong and convincing to admit of doubt. And how are they answered? By procrastination, and hints that the necessity of the case is a sufficient justification. The Executive, indignant at this evasion, and despairing of redress by any further appeal to their justice and magnanimity, has turned to the National Legislature, and informed them that what remained to be done on this interesting subject must rest on the wisdom and firmness of Congress. We have already unanimously resolved, that the conduct of the British Government is an "unprovoked aggression on our neutral rights." What, then, he asked, would be the measures looked for from this body, as proper to repel this outrage? Could any one expect that the first thing sug-

gested to their mind would be, that the Executive should again immediately renew the negotiation? Has he not already told us, that he despairs of obtaining redress by a simple appeal to their justice and magnanimity? Or, is this resolution to be understood as speaking to the Executive a language like this: You have not ably, zealously, and perseveringly exercised the powers vested in you by the Constitution, to bring about an adjustment of the difficulties and misunderstandings subsisting between the two Governments; or you are not sufficiently impressed with the importance of stipulating an indemnification for the losses our merchants have already sustained. Or, that there is some avenues to a sense of justice in this nation, which you have not sufficiently attempted. Surely language like this is disrespectful. We ought not to adopt a resolution on a subject, as important as the present, without being able to assign a substantial reason. Are we fearful that the Executive, after we have afforded the necessary legislative impulse to this negotiation will be slack or unskilful in the application of it? Or do we, by these officious instructions, wish to derogate from his merit by arrogating to ourselves that applause to which, upon a successful and satisfactory negotiation, he will be justly entitled? Mr. S. hoped that no consideration of this sort would influence the Senate. He believed that there was a disposition in the Executive, when furnished with the necessary aid, to pursue negotiation so long as the least gleam of hope of success remained. Beyond that, no one could ask him to persevere. He believed that each member of the Senate entertained the same opinion. Where then, he asked, is the use of this requisition to the Executive? Is it to be understood, as has been partially hinted by one honorable member, that there is no legislative aids which the Executive, or this nation, can wisely resort to on this occasion? Are we to be told that Congress have no power to lay duties on exports, or in short, that our powers are insufficient; or that we are too weak, or too dependent as a nation, to contend for our rights? We therefore recommend it to the Executive, (after having secured our merchants for past depredations,) to enter into such arrangements and stipulations upon points in controversy by mutual sacrifices; such as shall be likely to meet and promote the views of both parties, and thus recommend justice to be sacrificed to peace. For, he asked, what encroachment upon the rights of that nation, or depredations upon the property of its subjects, have we to give up, for the purchase of this, our indubitable right, as a neutral nation, which they have so flagrantly and frequently violated? He hoped there was no disposition in the Senate to commute any of our rights as a nation, by sacrifices to any of the considerations before-mentioned, and in a particular manner, by any abandonment of principles; and yet it appeared to him, if there is any pertinency in the resolution, this must be the interpretation. He observed it was extremely unwise to speak this language, both as it related to our own Government, and that with which we have to contend. The latter will easily read in this resolution the course which the Senate wish to pursue, and efforts will be made accordingly. Should it not be in unison with the views of the Executive of our own Government, it will weaken instead of strengthening his exertions for the public good. We have already experienced the evils resulting from too great an anxiety to enter into commercial regulations with that nation. A former treaty stipulated an indemnity to our merchants for similar depredations; that indemnity has ultimately devolved on our own Government. We purchased the miserable commercial privileges of that treaty (if it contained any,) at the expense of our neutrality; and by doing violence to the obligations imposed upon us by that neutrality, drew down upon ourselves the resentment of a powerful nation, which involved an expense of more than ten million of dollars. He observed it would be better for the Government, in his opinion, to insure our merchants against any depredations which the utmost rapacity of the British would be likely to invite, than again to enter into the unequal, the shameful, and wicked stipulation of the former treaty. He said gentlemen were not to understand that he was for actual hostilities against Great Britain. He deprecated war as much as any man. If mild measures are adopted, the more certain will be the calculation of a perseverance in them; and without a spirit of perseverance little can be hoped from any measure. He hoped that Congress would be disposed on this occasion to wield the only weapon which could promise success; that they may take such measures as will prove to Great Britain that the United States will ultimately have no commerce with them, but upon terms of the most perfect reciprocity. This ground, if once taken, will be easily maintained. It is recommended by being both peaceable and effectual, while all others are doubtful and unequal. He concluded by hoping that the resolution would be rejected, as it appeared to him disrespectful to the Executive, unnecessary, and inconsistent with the public good.

Mr. ANDERSON.—Mr. President: The honorable member from Vermont (Mr. SMITH) seems to entertain an opinion that it will be indelicate toward the President of the United States to adopt the resolution now under consideration. Having been a member of the committee who reported it, I feel somewhat bound to endeavor to obviate this objection; having done which, I shall then proceed to answer some other objections, and offer some reasons in favor of adopting the resolution. I expect it will be conceded, that, if it be Constitutional to pass this resolution, it cannot be indelicate toward the President. Let us examine the language of the Constitution upon this point. The Constitution says that the President shall have power, by and with the advice and consent of the Senate, to make treaties. Now, I contend that the true meaning of this clause is, that the advice should precede the making of the treaty, and that it was couched in the language in which we find it, for the purpose of obtaining the opinion of the Senate as to the principles upon which

the treaty should be made. And, upon examining your Executive Journal, you will find that this construction was given to the Constitution by General WASHINGTON, who, having been the President of the Convention, must reasonably be supposed to have understood the true intent and meaning of the Constitution in all its parts. And, so far did he extend the construction for which I contend, that the Executive Journal will show, in order to ask the advice of the Senate, relative to a treaty he contemplated making, that, in the year 1790, he actually took his seat in the Presidential chair of this body, and asked the advice of the Senate upon sundry articles, which he proposed making the basis of the treaty. Thus it would seem, that the first President of the United States, in discharge of his duty, had given the foregoing construction to the Constitution. Some inconvenience having, however, been found to arise from this mode of asking the advice of the Senate, it has since fallen into disuse. But the latter practice cannot, nor ought not, be considered as condemning the construction of which I conceive the Constitution is fairly susceptible. Because the construction given by the first President so immediately after the adoption of the Federal Constitution must be considered as proceeding from the true sense and correct opinion which he then entertained of the *respective rights* of the treaty-making power.

In support of this construction, Mr. President, I can also show, from your Executive Journals, so late as last session, that the Senate passed a resolution, requesting the President to make a treaty with the Creek nation of Indians. And although it may be said, that the Creeks not being a foreign nation, it is not an apposite case, I however conceive the principle to be precisely the same. For we have always treated the Indians as independent nations, and the same proceedings and formalities had uniformly been had in making the treaties, and ratifying them, as have been had, with other nations. So much, Mr. President, I have thought proper to say, in order to show, that if we pass this resolution, we do not offer any indelicacy to the President. But, on the contrary, will only exercise our Constitutional power, which the peculiar perilous situation of our country seems imperiously to demand. I should not have taken up so much time upon this point, had not the constitutionality of passing the resolution been also objected to by the other honorable member from Vermont, (Mr. BRADLEY.)

In discussing the merits of the resolution now under consideration, it will be necessary that we keep constantly in view the great principle of the one, which has already passed this House, by a unanimous vote, because this second resolution is predicated upon the principle of the first. In the first we declare, that the capture and condemnation, under the orders of the British Government, and adjudication of their Courts of Admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of the United States, a violation of their neutral rights, and an encroachment upon their national independence.

In order to show that the ground we have taken is correct, I will take leave to refer to a book (entitled An Examination of the British Doctrine which subjects to capture a neutral trade, not open in time of peace) ascribed to a gentleman high in office, who has deservedly acquired great celebrity in the political world. It will be found that the principle contended for in the resolution I have cited, obtained as early as the first rise of regular commerce, and was even reduced to system, as early as 1338. To this doctrine Great Britain acceded by treaty with Sweden, in 1655, and afterwards, in 1674, she actually claimed and enjoyed the benefit of a free trade, she being at that time in peace and the Dutch in war with France. With what kind of pretext can Great Britain pretend to deprive us of the exercise of the very rights which she herself has claimed and exercised, upon precisely the same principles? Besides, those neutral rights have, by constant and very long usage, become the established law of nations, and have from time to time been ingrafted into many treaties even where Great Britain was herself a party. Upon this doctrine, thus sustained, we request the President to demand and insist upon the restoration of the property of our citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and upon the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations. It has been objected that the language of this resolution is too strong, that the words *demand* and *insist* go too far; and that the absolute restoration of our vessels, &c. will, by these words being retained, be made the *sine qua non* of an accommodation with Great Britain. If, sir, we were to express ourselves in less forcible language, we should, in my opinion, subvert our own principles, and recede from the high ground we have taken, which might eventually radically destroy our neutral rights, and completely paralyze our commerce.

The words *demand* and *insist* are diplomatic, and as such most proper to be used, and the more so, as they seem to be appropriate to the principle of the first resolution. But, Mr. President, the latter part of this resolution, by which indemnification may be made, and new arrangements entered into with Great Britain, so far ameliorates those precedent words that the President will possess ample powers, according to a true exposition of the whole taken together, and he will not, in my opinion, be trammelled in the manner the gentleman from Ohio conceives. In settling national differences, it has ever been necessary, in some points to give a little, and in others to take, according to the peculiar circumstances, upon which the negotiation might happen to turn; either upon a point of national honor, or an interesting point of national commerce, or both so connected as not well to be severed. Upon the whole, Mr. President, I do believe it will be highly important that the

Senate should, at this interesting moment, express their opinion upon our national concerns with Great Britain in such language, that the sense we entertain of our injuries cannot be mistaken. The principles and policy of our Government require that we should prefer negotiation in the first instance; and the adoption of the resolution, by a strong vote of this body, will doubtless add great weight to the object. If, however, we should unfortunately be driven to the dernier resort, I trust we shall never recede one point from the ground we have taken, as expressed in our first resolution.

Mr. MITCHILL said he hoped the resolution would be adopted in its full extent. On this subject he differed wholly from the honorable gentleman from Vermont (Mr. ISRAEL SMITH.)

As the proposition recommended to the Senate by the select committee was now before them in its most broad and extensive sense, he should apply his remarks to the principle, rather than to the form of the resolution under debate.

Toward the end of of 1803, more than half the articles of the treaty between our Government and that of Great Britain had ceased. Since that event commercial intercourse had been carried on by the two nations, under their respective laws, without any convention or pact between them. Inconveniences had been experienced in various ways from that time to the present. An attempt indeed had been made two years ago to remove a considerable part of them by a repeal of the countervailing duties; but that effort not corresponding with the feelings of the nation, had been relinquished.

The war which was rekindled in Europe soon after the expiration of the temporary articles of the treaty had embarrassed the commerce of the great maritime powers, and thrown into the hands of neutrals an extraordinary proportion of the colonial and carrying trade. The citizens of the United States, among others, had profited by the opportunity, and engaged extensively in this neutral commerce. But it had been the policy of Great Britain, the strongest maritime nation among the belligerents, to interrupt this intercourse of neutrals, with the colonies of her colonies, as if they had been her own colonies. A series of outrageous proceedings had been the result; such as had excited the most lively indignation against them from Maine to Georgia, and roused the nation with one voice to resist and repel them.

Mr. M. said he would enumerate a few of these injurious principles and acts. The great and fundamental regulation, which served as a groundwork for a principal part of the rest, was, that a commerce allowed to neutrals by belligerents, during and on account of the war, ought to be prohibited. The assumption of such a rule, in contradiction of all the practices, acknowledgments, and treaties, among civilized nations, was a dangerous innovation upon their public law. It was however followed by another declaration of theirs, equally unfounded in truth and reason, and this was, that, as the adherence to the principle was rightfully in them, they might relax from the observance of it when they pleased; and that such relaxations were always acts of favor and grace to neutrals.

Another of the extravagant consequences of this doctrine was, that the belligerent might inquire into the intention of the neutral, as to colonial produce exported from his own country under drawback, and if he could not prove to the satisfaction of the prize court, that such produce was originally imported into the neutral country for consumption there, without the design of sending it abroad once more, the ship and cargo should be condemned; thus declaring that two distinct commercial operations, were one and the same continued voyage.

So it has been pretended and insisted by them that a vessel which has escaped their vigilance on a voyage from the neutral to the belligerent port, and has begun her return voyage loaded with the productions (not contraband) of the latter country in exchange for the cargo carried thither, may be captured and condemned, under an allegation that such outward cargo was the produce of an enemy's colony. By this means, the certificate of origin as to French produce, was made the evidence on which the condemnation was grounded in a British court.

The catalogue of grievances, he said, was long and odious; but he would mention the oppressive manner in which the British exercised the right of search, the unjustifiable impressment of seamen wherever they pleased to take them, and their arbitrary proceedings relative to blockaded ports, as tending to wound the feelings of individuals, to excite national irritation, and to revive those sentiments of animosity and hatred which had been dying away ever since the Revolutionary war; and but for these renewed acts of hostility would have risen no more.

With all these difficulties in view, stated and reiterated from all the commercial cities of the nation, the proposition now under consideration had been reported. It was in the nature of an admonition to the President, to make a further effort to accommodate these differences in a just and amicable way. The resolve which passed the Senate unanimously yesterday, comprehended a total denial of the interpolated maxims, and the conduct which they authorized. The resolution now before the Senate was a corollary from the other. It sprang from the former as a natural inference. The two were so intimately connected, that he considered the adoption of the former as a favorable prelude to the reception of this. And having declared that unprovoked aggressions had been made upon the persons and properties of our citizens, there was an evident propriety in endeavoring to negotiate on the subject, and settle the differences by fair discussion.

But an objection had been made, that the Senate was about to proffer advice to the President of the United States. The resolution certainly was written for that purpose, and in this there was the strictest propriety. For, by the Constitution, this body is the council of that high Executive officer. In questions touching our foreign relations, the Senators are declared by the su-

preme law of the land to be the President's counsellors. In urgent and arduous cases it was not only allowable for them to exercise this right, but it was their duty to do so. By such a measure there was no reflection on the Chief Magistrate; for it was well known he had vigilantly and correctly done his duty. He had left nothing untried that was in his power. Now, however, when another effort was to be made, he believed the President, though firm in the performance of the important trusts reposed in him, would be comforted and strengthened by the approving voice of his Constitutional advisers. With this resolution in his hand, he would speak to a foreign nation in a bolder tone, and employ the energetic language of his united fellow-citizens.

Mr. M. did not think, with the gentleman who preceded him, that the adoption of the proposition would be productive of discord; but, on the contrary, would have a happy tendency to promote harmony, by a candid and patriotic communication of sentiments between these two important organs of the Government.

Of the three resolutions reported by the select committee, the second, which was the one under consideration, was solely of an Executive nature. The two others, to wit: the first which had passed without a dissenting voice, and the third which remained to be acted upon, were of a Legislative complexion. Together, they constituted a series of measures adapted to the present exigencies of the nation. The first declared the wrongs done us; the second proposed to settle the dispute to which those wrongs gave rise, by equitable arrangement or treaty; and the third proposed, in case no settlement could be obtained upon just and honorable terms, to diminish our intercourse with a nation whose administration was so unjust and inflexible. There was another step which might have been the subject of a fourth resolution, and that was war. For his part, he believed the acts of the cruisers and courts of His Britannic Majesty were directly and openly hostile; and it was only necessary for us to consider them so, to make ourselves a party in the strife among the nations. Although the provocation was sufficient to justify us in a declaration of war, Mr. M. said he would at present prefer a different policy. He would in the first place make another overture of civility; and if that did not succeed, our connexion could be discontinued. If, after that, it should be necessary to put ourselves in hostile array, he knew there was courage enough in the nation to make an enemy, now as heretofore, tremble on approaching our shores.

Viewing the subject in this manner, and conceiving the proposition as one of a catenation of measures on a subject of great national importance and uncommon public solicitude, he was earnest in his hope that it would be carried, like the preceding one, not by a mere majority, but by an unanimous vote.

Mr. BAYARD.—Mr. President, if there be any objection to the resolution now before us, it is that it shelters the Executive Government from that responsibility as to its measures which properly ought to attach to it. The duty prescribed by the resolution is of an Executive nature, and the President is charged with the care of those interests for which the resolution provides. By prescribing a course of conduct to the Executive, we release that branch of Government from responsibility as to the event, and take it upon ourselves. But, sir, though I feel this objection, yet at the present moment it is outweighed by other considerations. The state of our public affairs is critical, and at such a time I think it becomes every branch and member of the Government to co-operate with cordiality and zeal in support of each other, and to strive to do more rather than less than their respective duty.

The design of this resolution, sir, presents itself to my mind in a very different point of view from that in which it appears to the gentleman from Vermont (Mr. SMITH.) That honorable member is opposed to it because he thinks it gives just cause of offence to the President: That we prescribe to the President a duty which he ought certainly to perform without our injunction, and of consequence we betray doubts that he will do what belongs to his office without our interference.

For my part, sir, I do not consider the resolution as intended in any degree for the President, but as designed for the British Government. I suppose without the resolution the President would take the course which it marks out. But we intend to manifest by it, that it is not simply the opinion of the President that specific redress should be granted for the wrongs we have suffered, but that it is the concurrent sense of this branch of the Government, that such redress should be insisted on. I do not mean that we should be considered as offering an empty menace to the British cabinet, but a demonstration of the union of different branches of our Government in demanding satisfaction for the wrongs done us. Foreign Governments calculate much on our divisions, our union will disappoint those calculations.

It has been objected by the gentleman from Vermont, that it is improper to pass the resolution, because it is not the ground of any legislative proceeding. The gentleman is too late in making this objection. He has voted for the first resolution, which less than the present is the basis of a legislative act. At present it is designed only as the declaration of our opinion as to the conduct of a foreign nation. But I am not disposed to admit that these resolutions may not become the ground of a legislative act. It belongs to Congress to declare war, and when I give my assent to these resolutions, I consider myself as pledged to vote for war, if redress is not granted to us. In adopting the first resolution, we have gone too far to recede. We have declared that unprovoked aggressions have been committed on the property of our citizens—that our neutral rights have been violated and our national independence trenched upon. This unanimous declaration is recorded in your journals; and can we hesitate whether we will bear the wrongs and affronts put upon us, or hazard the peril of a war?

Can we, sir, after the declaration which we have made, sit quietly down and console ourselves with the meek virtue of suffering with forbearance? For what purpose have gentlemen agreed to the first resolution? To show the world we knew the extent of our injuries, yet from indolence or dread we meant they should pass unredressed and unavenged?

I hope, sir, it will not be thought that I wish for war, or would, without adequate cause, plunge the nation into it. I am contending only that we must learn to insist upon our national rights, or, by and by, none will belong to us. We must learn to defend our honor as a people, or soon we shall be without national character. We are best protected against war when it is known that we are ready to meet it. Let the nations of Europe know that a love of ease, a dread of disaster, or an apprehension of privations, chain you to a state of peace, and they will drain your treasury of its last cent, and make you drink the dregs of humiliation.

I hope the Government will never go to war without a just and sufficient cause. But when that cause does exist, I hope they will not be appalled by the dangers or calamities of war. The resolution before us is not, however, a declaration of war. We have stated in the first resolution the wrongs we have suffered, we here state the redress we expect. I do not consider that the resolution enjoins on the President any particular mode of negotiation, or to demand any specific satisfaction. But it requires something substantial; direct, satisfaction, or equivalent indemnity, and some assurance of future security.

I am in favor of the resolution because I think it will facilitate the negotiations of the President. When it is seen that we are united in insisting upon our rights, that rather than abandon them we are resolved to encounter any alternative, it must create an impression and serious reflection abroad. The resolutions justify the President in speaking in a manly tone to the British Government, in holding a language worthy of a great and free people, and I therefore give them my cordial support.

On motion, the Senate now adjourned.

FRIDAY, February 14.

The bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the board of wardens for the port of Philadelphia to collect a certain duty on tonnage for the purposes therein mentioned," was read the second time, and referred to Messrs. MACLAY, MITCHILL, and LOGAN, to consider and report thereon.

The bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States was read the second time, and referred to Messrs. ADAMS, BALDWIN, SMITH, of Maryland, TRACY, and SMITH, of Vermont, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of the Governor, Judges, and Secretary, of the Indiana Territory;" in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

BRITISH AGGRESSIONS.

The Senate resumed the consideration of the report of the committee, made on the 5th instant, on that part of the Message of the President of the United State which relates to the violation of neutral rights, and the impressment of American seamen.

The second resolution being still under consideration, as follows:

"2. *Resolved*, That the President of the United States be requested to *demand and insist upon the restoration of the property of their citizens, captured, and condemned, on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace: and upon the indemnification of such American citizens, for their losses and damages sustained by those captures and condemnations: and to* enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interest of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled."

Mr. WORTHINGTON—On further consideration of the resolution now before the Senate I confess I feel more opposed to it, and do believe, on the whole, it will be best not to pass it in its present form. The resolution must mean something, or it must mean nothing. It must intend to convey to the President, the opinions and advice of this body, or not to convey it. Now, sir, if it is intended to convey to the President the opinion and advice of the Senate, which is certainly my understanding of it, I beg gentlemen to reflect a little before they adopt it. The advice of this Senate I trust will never be given to the President without having the desired effect; and let me add, sir, that from the intimate connexion which exists between this and the Executive branch of the Government I must believe that the President would not feel himself justified, nor would he be willing to take so much responsibility on himself as entirely to reject it. Sir I could not justify him if he did. We are equally responsible with him in our Executive capacity, and can we for a moment believe that he would act contrary to the decided opinion of the Senate, who can at all times control or defeat him by rejecting a treaty made contrary to their advice and opinions? What, sir, is the object of the resolution?

We request the President "to demand and insist upon the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations:" and afterwards "to enter into such arrangements with the

British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled."

To my mind, sir, the resolution seems to be at war with itself. It is not, Mr. President, the bold ground taken by the first part of the resolution to which I object. It is not, sir, that I am opposed to demanding or insisting on our rights; but it is because I fear the resolution taken together will embarrass the Executive in negotiating a treaty to settle our differences. A gentleman from Maryland has told us, and we know the fact is so, that there are several subjects on which negotiation is necessary. At present we know we have no commercial treaty with Great Britain. If, sir, this subject is intended to be embraced, (and I so understand it) by the resolution, and if it is the opinion of the Senate it should, let us be more explicit. We have such a treaty with Holland, Spain, and France, and I confess I see no good reason why we should not have one with Great Britain if it can be made on terms which will promote the mutual interests of the two nations. Indeed, I cannot imagine how we are to get along without continual jarrings, and probably ultimate war, with all its concomitant evils, unless we know the ground on which we are placed. Whilst I should deplore an event of this kind, yet if, under all the circumstances, the honor and interests of my country made it necessary, I hope I shall be found among those who would firmly resent the insult and vindicate the injuries of any nation on earth. With so wide a field for negotiation, with so many important objects to accomplish, I submit it to the good sense of the Senate, whether it will be proper to tie up the hands of the Executive in the manner contemplated by the resolution. If the resolution passes, the President must in every event "demand and insist upon the restoration of the property of our citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations." This must be made the basis on which all further proceedings are to be founded. I do not wish to be understood as being willing to give up the property which has been unjustly taken from our citizens without an equivalent. An equivalent may be obtained in many ways. If the resolution is adhered to by the Executive, a restitution of the property must be insisted on. Request the President to demand and insist, and he must take this ground, and this only, if we pass this resolution. Although in my opinion this resolution was not intended to censure the Executive, yet, it would seem to bear that construction. But on this ground I will not object to it. It is notorious to every gentleman of the Senate that the President has been, and is now prosecuting a negotiation on the subjects which seem to be the particular objects of this resolution, viz: the condemnation of our vessels and the impressment of American seamen. It would therefore seem improper, on this ground, to pass the resolution in its present form. I know, sir, that what has been so often and so properly repeated is all-important on the present subject, that is, that we should be united in what we do. With this view and with the hope that the same committee can offer to the Senate a resolution varied in its form from the one before us, and embracing the wishes of at least a great majority, and I hope the whole Senate, I move that the resolution be recommitted.

Mr. ADAIR.—Mr. President, the motion before the Senate is to recommit the resolution to a special committee. Gentlemen in favor of the resolution as it stands, have called upon us to point out the alterations we wish to make in it, as a cause of commitment; I will do so by stating my objections to it in its present shape. The first resolution on the paper which I hold in my hand, and which met with a unanimous vote of the Senate two days past, contains a mere declaration of their opinion on an abstract principle; to this resolution I fully and freely assent, although I did not vote for it, being that day unwell and absent. But this second resolution, if it is to have any effect at all, is meant to convey an instruction to the President of the United States. It contains a request to him, not only that he will endeavor to obtain an adjustment of our differences by treaty, but that prior to this he will "demand and insist upon the restoration of the property of our citizens captured and condemned on the pretence of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations;" that he will enter into arrangements, &c. This, Mr. President, is the part of the resolution I object to. It is going too far. It is circumscribing the powers of the President, and tying him down to a particular point. It is making that the *sine qua non*, the basis on which alone he is to treat; at least it is doing this so far as an opinion of the Senate, expressed in this way, can do it. It really looks to me, as if, on this particular point of the restitution, we were afraid to trust our Chief Magistrate. I presume there is not a member who hears me, who does not fully believe the captures and condemnations alluded to in the resolution were unjust; that they are an infringment of our rights; and that we are entitled to restitution. But let it be remembered that these condemnations are the solemn decisions of a court of very high authority in Great Britain; a court that, it is well known, acts under the councils (if not the control) of the cabinet. May we not then reasonably suppose that the British Government are as fully assured (in their own minds) that these condemnations are just and warranted, under the law of nations, as we are that they are unjust and unwarranted; and that they will be as unwilling to acknowledge in the face of the whole world that they have been

wantonly robbing us of our property, as we will be to acknowledge that we have paid so much without a cause? It has been well observed by an honorable member from Tennessee, that in forming commercial treaties of this kind, there will be various points to consider, and it may not be necessary to contend for strict justice in every punctilio; arrangements or treaties, when there are existing differences to settle, must always be a bargain of compromise and forbearance; in one point we may give a little, that we may obtain an equivalent in another. So it may turn out in settling our disputes with Great Britain. Why then are we not satisfied with expressing our opinion on the great principle of right; and leave it altogether with our Chief Magistrate to enter into and point out the details?

It is asserted by the advocates of the resolution as it now stands, that the part objected to, has been virtually agreed to in the first resolution; and that the latter part of the second resolution so qualifies the first as to prevent it from operating as an instruction to or restriction on the President. To this I answer, that the same principle, so far as it relates to the United States, or to the British Government, is certainly contained in the first resolution, and, therefore, unnecessary to be thus expressed in the second; and if it is not intended to operate as an instruction to the President, why is it so anxiously retained in the resolution? I can see no other reason for this, unless it is intended as a declaration of the Senate, a solemn pledge to be used on some future occasion, by the merchants, whose property has been thus condemned, to show that we are bound to obtain restitution for them from the British Government, or to compensate them ourselves. How far this may be right is not now for me to say. It is a subject not now before the Senate, and I think it too soon to make the declaration. Nor do I like to see such a measure obtain in our resolutions by stealth as it were; unnoticed, because obscured by the brighter blaze of more important objects. In support of the words "demand and insist," an extract has been read from a letter of the President himself to his Minister abroad, in which he uses the same words. But is there no difference between the President's acting officially, giving instructions to his Minister where it is necesssary and proper he should enter into the details, and our merely expressing an abstract opinion upon a great principle before it officially comes before us? The President, in using these words, does it with the strictest propriety; and I trust when he instructs a Minister agreeably to the request contained in this resolution, that he will make use of language equally strong. He shall meet with my hearty approbation, nor is there any length in my power that I will not cheerfully go to support him. Yet, still I am unwilling to tie him down to a particular point, or to express an opinion in detail upon the subject of a treaty, which if made must finally be laid before the Senate for their approbation. Let it be remembered that in the first resolution we have solemnly pledged ourselves to a principle of right; we are so far bound, as the Representatives of the nation, to defend this right to our citizens, or to obtain an equivalent. This ought to satisfy all. In this second resolution we request of the President to obtain for us the free exercise of this right by treaty. Let us then confide to him the broad field of negotiation; let us not cramp him. Our rights are secure in the hands of the constituted authorities. Should he fail of success, we all know the consequence; the next and last alternative is war; to this we all stand solemnly pledged, and when it comes to this, I trust there will be no difference of opinion. Peace is the first wish of our hearts; it is the soul of our Government. But the man who would not prefer war to oppression, to dishonor and infamy, is not an American. One word more, Mr. President, and I have done: It has been conceded that a unanimity of sentiment and vote is desirable on this subject. If, then, gentlemen are in earnest when they say those exceptionable words mean no more than what is contained in the first resolution, and convey no special instruction to the President, can they not change them for others equally strong as to the principle, and that will meet the approbation of all? Why not strike them out, and in lieu of them request the President to enter into arrangements agreeable to or in conformity to the first resolution? Some such alteration as this would certainly retain the whole idea avowed by the advocates of the present resolution, and as the special direction and restriction would be left out, it would meet with my concurrence. To obtain some such alteration, in words that will be agreeable to all, is the object I have in voting for the commitment; and as one day cannot materially affect us, I hope we will be indulged.

Messrs. J. QUINCY ADAMS, SAMUEL SMITH, PICKERING, TRACY, and MACLAY, delivered their sentiments.

The motion to re-commit the resolution for the purpose of amending it, was lost—yeas 15, nays 16.

Mr. WORTHINGTON then moved to strike out the words in *italics*, from the second to the eleventh line.

Messrs. S. SMITH, and WHITE, opposed the motion, which was disagreed to—yeas 13, nays 16, as follows:

YEAS—Messrs. Adair, Baldwin, Bradley, Gaillard, Howland, Logan, Maclay, Moore, Plumer, Smith of Vermont, Sumter, Turner, and Worthington.

NAYS—Messrs. Adams, Anderson, Bayard, Gilman, Hillhouse, Kitchel, Mitchill, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Thruston, Tracy, White, and Wright.

Mr. THRUSTON moved to postpone the resolution, for the purpose of previously taking up and acting upon the third, which prohibits the importation into the United States of a variety of articles, the growth, produce, or manufactures of Great Britain, after the —— day of —— next, unless equitable arrangements shall be made between the United States and Great Britain.

This motion was lost—yeas 13.

Messrs. ISRAEL SMITH and BRADLEY then spoke against agreeing to the resolution. The princi-

pal ground taken by them was that it became the Senate to take stronger ground, and to adopt vigorous measures, before they requested the Executive to resume negotiation.

Mr. TRACY advocated the resolution. He did not think negotiation exhausted. He thought it became the Senate to make one further attempt towards negotiating our differences, before a resort was had to warlike measures. The President would be enabled to take this step, by the Senate, who were a branch of the war-declaring power, expressing their support of the measures he had taken, at the same time that they requested a renewal of the negotiation.

Mr. MOORE moved to strike out the words "and insist;" which motion prevailed.

Mr. WORTHINGTON said that, so modified, he should vote for the resolution.

Mr. KITCHEL observed that he was sorry to intrude upon the patience of the Senate at that late hour; but the observations of the gentleman who had just sat down induced him to beg their indulgence for a few moments. The gentleman, in the course of his observations, seems to have made two propositions as the ground of his objection, viz: that the resolution now under consideration contains a censure upon the President, as not having done his duty in negotiating; and that by passing it we are going to sacrifice the honor and interests of the United States and its citizens.

Mr. President, I would ask in what manner we shall do either? How shall we censure the President? He has negotiated until there appears no prospect of obtaining that justice to which we are entitled; and he has now submitted the matter to Congress to pursue such measures as shall appear to them prudent.

And what are we about to do? Sir, we have already unanimously passed one resolution, in which we say that the capture and condemnation of the vessels and cargoes of our citizens is an unprovoked violation of our independence, and an aggression upon the property of our citizens. And if that declaration is correct what are we to do further? Are we, upon the strength of that declaration, to sit down and fold our hands together, and expect Britain to do us justice, or are we to declare war? Sir, are we prepared at this moment to declare war? Will it be wise? Will it be prudent, without one effort to avoid it, with all its horrors of blood and destruction? Are the people now prepared to meet it, without our making one more attempt to negotiate? Will they say we have acted wisely? I believe not. Sir we are one component part of Congress, who have the sole power of declaring war; and by this resolution we are going to say to Britain—not by ourselves, for we are not by the Constitution authorized to speak to foreign nations in this way; but we are about to request the President, in our behalf, and in our name, and in the name of the whole people of the United States to say to Britain—you have injured us by your unprovoked aggressions, and we demand satisfaction. We can bear these insults no longer; therefore, make us compensation for past injuries, and do us justice in future; and we are willing still to be friends. Wherein does this censure the President? He has pursued negotiation until he finds it unavailing. We now ask of him to make one last effort in our behalf, before we appeal to the last resort of war, and I trust we shall arm him with power that will give energy to this last negotiation. And wherein are we going to sacrifice the honor of the United States or the interests of the citizens? Does it sacrifice our honor to endeavor to settle our differences in an amicable way, rather than to fly to arms and deluge the earth with blood? Will it fix a stigma upon us in the eyes of any rational men or nations? I believe not. And how are we going to sacrifice the interests of our citizens? Do we do it by demanding justice for them of Britain? I believe that they themselves will not view it in that light, when they see it followed by the third resolution, which I hope will be passed. And indeed had it not have been for the expectations of that resolution being carried into effect, in such a manner as to give energy to this, I should have withheld my vote from the first. But, under the full expectation that the third resolution will pass, and as I do not believe it contains any censure upon the President, and as I believe it will do honor to the United States and will have a tendency to secure reparation to our citizens, I shall cheerfully give it my vote.

Mr. SMITH, of Ohio—Mr. President, although the resolution on your table cannot impose a new obligation on the Chief Magistrate of this country in its present form, yet, from its coincidence with the letter and spirit of his message at the opening of the present session—from its presumptive influence at home, and its probable effect abroad, I am induced to believe that its unanimous adoption is important.

The resolution ought not to be construed into an improper interference with Executive prerogative, for it will not sustain that interpretation. It is the Constitutional right and the daily practice of the Senate to advise the Executive to adopt specific measures, as well as to call for information on diplomatic and legislative subjects. What is the object of the resolution? It is, that this branch of the Legislature shall share in the responsibility of employing means to execute the measure proposed. This is magnanimous, as it is voluntary on the part of the Senate, for in adopting the resolution we attach a high degree of resposibility to ourselves in the effects to be produced.

The object of the resolution seems to be further illustrated on two grounds. 1. "That the President demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations." What is there in this part of the resolution so objectionable to honorable gentlemen? Is it the restoration of the captured property of our citi-

zens? No! Is it the indemnification of our citizens, for their losses and damages sustained by the captures of which we complain? It cannot be. To what then are exceptions taken? Two honorable gentlemen have given the answer. "The resolution if adopted will be an encroachment upon the Executive branch of the Government." This I shall deny, until convinced of the impropriety of entering into any resolution which expresses to one branch of the Government the views and desires of another. The freedom of communication between the Legislative and Executive branches of the Government, is sanctioned by the law and usage of all nations that are free. The resolution does not assume the boldness of a mandate, but the delicate form of a request. Having obviated this objection, I contend that the seas are the high-road of the world, and that all nations have a right to use it. That we as a neutral nation have a right to trade with all, who are free to trade with us, except with a blockaded port and in articles contraband of war. England has imposed a new restriction beyond the cases of contraband and blockade. In her courts of admiralty, she has taken a lawless distinction between a trade in war and a trade in peace; and that a trade not permitted in peace is unlawful in war. I pronounce it an injurious regulation upon our commerce, and which I trust our Government will not submit to, as it is repugnant to the law of nations and a gross violation of neutral rights.

Of this new and odious principle, the President of the United States has justly complained, and I wish the Senate to unite in bearing testimony against it; and while we do this, let us resort to the means of remunerating our injured citizens. They have been robbed and plundered on the high seas, while sailing under the American flag and engaged in a lawful trade. I feel indignant at this outrage, and cannot silently and deliberately see our flag insulted, our seamen impressed, our citizens ruined, and our trade destroyed. But, it has been said, if we adopt the resolution it will restrict the President to the strong attitude of demanding the restitution of our property taken by British cruisers, and condemnations. Be it so; he will not surely treat with them but on the ground of restitution. We have treated England as the most favored nation, in all our commercial and diplomatic regulations; she has requited us with the imposition of insidious duties, with predatory spoliations at sea, and illegal condemnations on land. Our nation will be avenged, and the greatest objection which I feel to the resolutions is, that they do not go far enough. I would make a provisional declaration of war, to be carried into effect with vigor, not only against England, but against Spain, and any other Power who, under circumstances so aggravated, refuse to redress our wrongs. Sir, I must honestly confess, that I deprecate the flames and ravages of war, that I should lament the necessity of involving the nation as much as any man; but, sir, I wish it avoided on honorable terms; for rather than see the honor and the rights of my country violated, I would wade through rivers of blood and fight till doomsday in their defence. The second ground of illustration appears in the latter part of the resolution, and in the following words, "To enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled." Until this resolution came into debate, I flattered myself that the Senate would have adopted it unanimously. The object of the resolution is so very important that I could not imagine one honorable member of the Senate would be found refusing to support it.

Sir, permit me to ask, can a true American be indifferent to the depredations committed on our neutral rights, and does not the impressment of our seamen deserve the attention of the Senate? Every member must avow it. In what then do we differ? Merely in the phraseology of the resolution. I did hope for unanimity in the Senate, as well upon the form as the substance of this resolution. In this, however, I am disappointed, and as I cannot prevent it, I will sit down and regret it.

Messrs. LOGAN and PICKERING spoke in favor of the resolution, and Mr. ISRAEL SMITH, against it; when, after some verbal amendments, the question was taken upon it, by yeas and nays, and the resolution carried—yeas 23, nays 7, as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Bayard, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Tracy, Turner, White, Worthington, and Wright.

NAYS—Messrs. Adair, Bradley, Plumer, Smith of Vermont, Stone, Sumter, and Thruston.

So it was *Resolved*, That the President of the United States be requested to demand the restoration of the property of their citizens captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in a time of peace; and the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British Government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled.

MONDAY, February 17.

Mr. MACLAY, from the committee to whom was referred, on the 14th instant, the bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the board of wardens for the port of Philadelphia to collect a certain duty on tonnage,

for the purpose therein mentioned," reported the bill without amendment.

Mr. SMITH, of Maryland, from the committee to whom was referred, on the 23d of January last, the bill for classing the militia, and assigning to each class its particular duties, reported the bill with amendments; which were read, and ordered to lie for consideration.

The bill, entitled "An act for the relief of the Governor, Judges, and Secretary, of the Indiana Territory," was read the second time, and referred to Messrs. WORTHINGTON, BALDWIN, and BRADLEY, to consider and report thereon.

The amendments reported by the committee, on the 12th instant, to the bill, entitled "An act relating to bonds given by marshals," and, after debate, postponed.

Mr. HILLHOUSE presented the memorial of the Chamber of Commerce of the city of New Haven, in the State of Connecticut, representing that they "have observed, with no common degree of surprise and solicitude, the numerous embarrassments which the navigation of the United States hath suffered by the adoption of new principles, respecting neutral nations, in the Admiralty Courts of Great Britain;" and praying the interposition of Congress in the prosecution of such measures as may protect the commerce and defend the sea-coasts of the United States; and the memorial was read.

Ordered, That it be referred to the committee appointed on the 6th of January last, who have under consideration the memorial of the merchants of the city of New York, on similar subjects, to consider and report thereon.

The amendment reported by the committee to the bill, entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, was considered, and, after debate, postponed.

The Senate took into consideration, as in Committee of the Whole, the amendment reported to the bill, entitled "An act to extend jurisdiction, in certain cases, to State judges and State courts;" and having agreed thereto, the bill was amended accordingly, and reported to the House.

Ordered, That the bill pass to the third reading as amended.

The bill relating to the salaries of the Judges of New Orleans was read the third time, and the blank in the first section thereof having been filled with the words "two thousand five hundred," and the blank in the second section with the words "five hundred," and the bill further amended,

Resolved, That this bill do pass, that it be engrossed, and that the title thereof be, "An act relating to the salaries of the Judges of New Orleans."

The Senate took into consideration the amendments reported to the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo; and, after debate, adjourned.

TUESDAY, February 18.

The bill, entitled "An act to extend jurisdiction, in certain cases, to State judges and State courts," was read the third time as amended; and having been further amended,

Resolved, That this bill do pass as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts;" in which they desire the concurrence of the Senate.

The bill was read, and ordered to the second reading.

TRADE WITH ST. DOMINGO.

The Senate resumed the third reading and the consideration of the amendments reported to the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo; and the report was in part adopted; and on motion, to agree to the amendment reported by the committee, as a second section, amended as follows:

SEC. 2. *And be it further enacted*, That, after due notice of this act, at the several custom-houses, no ship or vessel whatever shall receive a clearance for any port or place within the island of St. Domingo, and not in the actual possession of France, nor shall any clearance be granted for a foreign voyage to any ship or vessel owned, hired, or employed, wholly, or in part, by any person or persons resident within the United States, until the owner, or the employer for the voyage, or his factor or agent, with the master, shall give bond to the United States, in a sum equal to the value of the vessel and of her cargo, with condition that the ship or vessel, for which a clearance shall be required, is destined to some port or place without the limits of such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged Government of France; and, during the intended voyage, shall not be voluntarily carried, or permitted to proceed, whether directly, or from any intermediate port or place, to any port or place within such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged Government of France; and in case of being forced by any casualty into any port or place hereby interdicted, shall not, at any such port or place, voluntarily sell, deliver, or unlade any part of such cargo, except so much as may be absolutely necessary to defray the expenses requisite to enable such vessel to proceed on her intended voyage; and, generally, that such ship or vessel, whilst on such voyage, shall not be employed in any traffic or commerce with, or for, any person resident within any part of the island of St. Domingo, not in the actual possession, and under the acknowledged Government of France."

It passed in the affirmative—yeas 16, nays 14, as follows:

YEAS—Messrs. Adair, Baldwin, Condit, Fenner, Gaillard, Gilman, Howland, Kitchel, Logan, Maclay, Moore, Smith of New York, Smith of Tennessee, Sumter, Turner, and Worthington.

NAYS—Messrs. Adams, Anderson, Bayard, Bradley, Hillhouse, Mitchill, Pickering, Plumer, Smith of Maryland, Smith of Ohio, Smith of Vermont, Tracy, White, and Wright.

On motion, the Senate adjourned.

WEDNESDAY, February 19.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

In pursuance of a measure proposed to Congress, by a Message of January 18th, 1803, and sanctioned by their approbation, for carrying it into execution, Captain Meriwether Lewis, of the first regiment of infantry, was appointed, with a party of men, to explore the river Missouri from its mouth to its source, and crossing the high lands by the shortest portage, to seek the best water communication thence to the Pacific Ocean; and Lieutenant Clarke was appointed second in command. They were to enter into conference with the Indian nations on their route, with a view to the establishment of commerce with them. They entered the Missouri, May 14, 1804, and on the 1st of November, took up their winter quarters near the Mandan towns, sixteen hundred and nine miles above the mouth of the river, in latitude 47° 21′ 47″ north, and longitude 99° 24′ 45″ west, from Greenwich. On the 8th of April 1805, they proceeded up the river in pursuance of the objects prescribed to them. A letter of the preceding day, April 7, from Captain Lewis, is herewith communicated. During his stay among the Mandans, he has been able to lay down the Missouri, according to courses and distances taken on his passage up it, corrected by frequent observations of longitude and latitude, and to add to the actual survey of this portion of the river, a general map of the country between the Mississippi and Pacific, from the 34th to the 54th degrees of latitude. These additions are from information collected from Indians, with whom he had opportunities of communicating during his journey, and residence with them. Copies of this map are now presented to both Houses of Congress. With these, I communicate, also, a statistical view, procured and forwarded by him, of the Indian nations inhabiting the Territory of Louisiana and the countries adjacent to its northern and western borders, and of other interesting circumstances respecting them.

In order to render the statement as complete as may be, of the Indians inhabiting the country west of the Mississippi, I add Dr. Sibley's account of those residing in, and adjacent to, the Territory of Orleans.

I communicate, also, from the same person, an account of the Red river, according to the best information he has been able to collect.

Having been disappointed, after considerable preparation, in the purpose of sending an exploring party up that river in the summer of 1804, it was thought best to employ the autumn of that year in procuring a knowledge of an interesting branch of the river called the Washita. This was undertaken under the direction of Mr. Dunbar, of Natchez, a citizen of distinguished science, who had aided, and continues to aid us, with his disinterested and valuable services, in the prosecution of these enterprises. He ascended the river to the remarkable hot-springs near it, in latitude 34° 31′ 4.16″, longitude 92° 50′ 45″ west, from Greenwich, taking its courses and distances, and correcting them by frequent celestial observations. Extracts from his observations, and copies of his map of the river, from its mouth to the hot-springs, make part of the present communications. The examination of the Red river itself, is but now commencing.

TH. JEFFERSON.

FEBRUARY 19, 1806.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill, entitled "An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts;" was read the second time, as in Committee of the Whole.

Ordered, That it be referred to Messrs. KITCHEL, ADAMS, and CONDIT, to consider and report upon.

The Senate resumed, as in the Committee of the Whole, the second reading of the bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the Board of Wardens for the port of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned,'" and having reported it to the House without amendment, it was ordered to the third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to incorporate the Trustees of the Presbyterian Congregation of Georgetown," in which bill they desire the concurrence of the Senate.

The Senate resumed the third reading of the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo: and, on motion, it was agreed to add two new sections thereto.

On motion, by one of the majority, to reconsider the second section adopted yesterday, it passed in the negative—yeas 14, nays 17, as follows:

YEAS—Messrs. Adams, Anderson, Bayard, Bradley, Gilman, Hillhouse, Mitchill, Pickering, Plumer, Smith of Maryland, Smith of Ohio, Tracy, White, and Wright.

NAYS—Messrs. Adair, Baldwin, Condit, Fenner, Gaillard, Howland, Kitchel, Logan, Maclay, Moore, Smith of New York, Smith of Tennessee, Stone, Sumter, Thruston, Turner, and Worthington.

THURSDAY, February 20.

The following motion was submitted for consideration:

Resolved, That a committee be appointed to wait on the President of the United States, and present to him the two resolutions passed on the 13th and 14th instant, February.

Mr. ADAMS, from the committee to whom was referred the bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States, reported the same, with the following amendment:

SEC. 4. *And be it further enacted*, That whenever the President of the United States shall, under the authority of the laws of nations and of this act, send any foreign Ambassador, Minister, or other person as aforesaid, so offending, home to his Sovereign, he shall issue his warrant to any officer, civil or military, under the authority of the United States, commanding him to provide for the departure of the said Ambassador, Minister, or other person as aforesaid, so offending: taking due precautions to avoid all improper or unnecessary violence in executing said warrant. And all officers, civil and military, under the authority of the United States, are required to be obedient to such warrant.

The bill brought up from the House of Representatives for concurrence, entitled "An act to incorporate the Trustees of the Presbyterian Congregation of Georgetown," was read, and ordered to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act relating to bonds given by Marshals," and the amendment of the special committee having been disagreed to, the bill was reported to the House without amendment.

Ordered, That this bill pass to a third reading.

The Senate took into consideration, as in Committee of the Whole, the amendments reported to the bill for classing the militia, and assigning to each class its particular duties, and agreed thereto; and the bill was reported to the House accordingly.

TRADE WITH ST. DOMINGO.

The Senate resumed the third reading of the bill to suspend the commercial intercourse between the United States and the French island of St. Domingo.

Mr. WHITE.—Mr. President, the Senate have, I believe, decided that this question shall be taken by the yeas and nays, otherwise I will hereafter make to you that motion, in order to place upon the journals my vote against a bill, which, instead of going to inhibit, according to the language of the gentleman from Ohio, (Mr. WORTHINGTON,) a disgraceful commerce, will itself, if passed under present circumstances, as I conceive, be a disgrace to this Government. We have sincerely to regret that the information we sought on this occasion, and considered so necessary to the discussion of the subject, has been denied us; and that denial, I will confess, was the less expected, and the less welcome, it being well understood that the light we wished was entirely within the power of the Executive to impart, if we had only been permitted to ask for it. The reasons that may have induced gentlemen to negative a request apparently so just, and generally granted almost as a matter of course, I presume not to conjecture. They had no doubt strong ones, but were not so obliging as to communicate them to us. I wish not, however, to be understood as making this a subject of complaint; it would be idle to do so. I know that power does usually not only what it wills, but mostly what it can; and the minority here, on any subject, instead of expecting favors, may think themselves well off if permitted to retain and to exercise the rights guarantied to them by the Constitution of the country, and entrenched behind the rules of the Senate. If, therefore, on this occasion, gentlemen have nothing to accuse themselves with, on the score of a want of liberality, it is not my intention to charge them with injustice. It will be recollected that the bill, as originally introduced on this subject by the gentleman from Pennsylvania, (Mr. LOGAN,) was variant in every shape and feature from that now before us. The first bill I considered altogether impotent, and had little or no concern as to its fate; but that now under consideration, as presented by the committee, is of a very different complexion, and goes the full length of interdicting all commerce between this country and the island of St. Domingo. Neither in justice nor in wisdom, sir, is it the duty or the interest of this Government to adopt the present measure. I do not, as some other gentlemen have professed, consider it a measure of policy, nor will I call it a measure of fear; but it certainly savors of the most timid prudence I have ever seen operating in this body, little calculated to acquire us honor abroad, or to prolong our peace at home; and if gentlemen have really persuaded themselves that the decision we are about to make involves merely a question of policy, in my humble opinion they most egregiously mistake. No such construction will be given to it; none such, give me leave to say, is it entitled to bear. The surrender of this commerce has never been asked of us as a temporary sacrifice to the convenience and accommodation of France; but has been demanded of us, in the most insulting and peremptory style, as a matter of right; and passing this bill, under present circumstances, will be an acknowledgment of the right in France to interdict us this trade. It will be a direct abandonment of all right to it on our part, and establishing a precedent against ourselves, that will be holden obligatory upon us in all future cases of the same kind. In this aspect the subject must develope itself to every gentleman as one of the utmost magnitude to the United States. If our commerce with St. Domingo was worth nothing, I would equally resist the present measure; it is the principle I object to. I object, and will forever object, to the solemn recognition on the part of this Government, of a right in foreign Powers that may, and hereafter will be exercised, if now admitted, to the injury of the American commerce, and of the American character. If gentlemen will look for a moment about them, will attend to our position in the world, and to the colonial establishments of the European nations around us, they cannot but be convinced, that cases similar to this must often happen. The sooner we take our ground, therefore, the better; the less difficulty we shall have hereafter; and surely a more suitable opportunity than the present can never be expected to occur; especially, sir, when we reflect upon the most uncourtly, indignant, and domineering manner, by which France has attempted to bully and terrify us into this measure of the gentleman from Pennsylvania—and the gentleman himself, yesterday, unmasked the bill. In his great zeal he told us that we had already tampered too long on the subject; that France had now demanded the measure of us, and its adoption had become a matter of necessity on our part. Degrading idea! Where then has gone our national honor and our boasted independence? What was this but to tell us, that such is now our humbled state, when France commands we have no alternative but obedience; and that even to deliberate is dangerous? [Here Mr. LOGAN observed that he did not recollect having used the word "demanded;" to which another gentleman answered, he certainly had.] I had

expected, Mr. President, as must have been the case with every other gentleman, that the honorable mover of this measure, (Mr. L.,) when he submitted to the Senate a proposition of such infinite importance, would have assigned at least some plausible reasons for doing so; but we are now as much in the dark as when our attention was first called to the subject. The gentleman was indeed pleased to refresh our memories by reading to us some old documents that were presented to Congress at their last session, which were then acted upon, and would perhaps never have been thought of again, but for his kindness and research. Not a single argument, however, has been adduced in support of the bill, that has not, for more than a year past, been losing what little force it might originally have contained; and, most unfortunately for the mover, the very document upon which he principally relies, and to which he has so often referred us, furnishes the strongest argument against him—I mean the President's Message to the last Congress. That the President should have thought it necessary to call the attention of Congress to this subject, at their last session, and not at their present, as is the fact, shows most distinctly his opinion, that whatever reasons required at that time Congressional interference, have since ceased to exist.

I will here cursorily premise, that I must be excused in passing over, without observation, the communications that have been recently made on this subject by the French Minister to our Government, and by Mr. Talleyrand to General Armstrong. They are of a kind not to admit of comments, without provoking such animadversions as the respect due to the exalted stations those gentlemen fill, and to the Government they represent, will not permit me to indulge myself in for a moment. One thing, however, I will say:—that whatever influence their threats and invectives may acquire, certainly their arguments are entitled to none; for they have not condescended to use a single one; but have taken as granted the very points in dispute, viz: that the blacks of St. Domingo are the slaves of the French, and now in such a state of revolt that no nation has a right to trade with them. To these points I will presently give some attention, after a few observations on the subject of our West India commerce, generally, as connected with this question. It is well known, sir, that a considerable portion of the commerce, which of late years has so rapidly enriched our citizens, and advanced, beyond the most sanguine calculations, our national wealth and political consequence, has consisted in the increased intercourse with the West India islands; and this has arisen chiefly from our neutral and neighboring situation toward those islands: from the unrestrained and enterprising spirit of our merchants, and from a combination of circumstances that have been sufficient to involve, and continue in war for a number of years, the most commercial Powers of Europe. So extensive and valuable has our trade become in the West Indian seas, that it has excited, and is daily increasing the jealousies of other nations; and, certainly, in the same gradation, at least, should increase our disposition to protect and to foster it. But what, let me ask, must be the inevitable operation of the measure now before us? To prostrate completely, at a single blow, the most valuable part of it remaining, and to jeopardize the whole. As if not content with the branches that have been lopped off by the British, the French, and the Spaniards, the gentleman from Pennsylvania will himself now lay the axe to the root of the tree; and this, too, at a moment when our commerce is approaching the most crippled and ruinous condition; when the principal commercial nations of Europe are exerting every effort short of actual war to crush it; when your table is loaded with the memorials of your citizens, complaining of the injustice and violence to which they are subjected in every part of the world, and praying the protection of their Government; when the President of the United States is communicating to us message after message upon this very subject; when almost every mail that arrives brings to us the unwelcome intelligence of some additional outrages upon the persons and the property of our countrymen; and scarcely a wind from any quarter of the globe but swells the catalogue of their grievances.

Our local situation, Mr. President, gives to us advantages in the commerce of the West Indies over all the nations of the world; and it is not only the right and the interest, but it is the duty of this Government, by every fair and honorable means, to protect and encourage our citizens in the exercise of those advantages. If, in other respects, we pursue a wise policy, and remain abstracted from the convulsions of Europe, that for many years to come are not likely to have much interval; enjoying, as we shall, all the advantages of peace-wages, peace-freight, peace-insurance, and the other peace privileges of neutral traders, we must nearly acquire a monopoly of this commerce. We can make usually a treble voyage; that is, from this continent to the West Indies, thence to Europe, and back to America again, in the time that the European vessels are engaged in one West India voyage. This circumstance of itself, properly improved, at a period perhaps not very remote, whenever others of those islands may be released from, or refuse longer submission to their present colonial restrictions upon commerce, will enable us to rival even the British in transporting to the markets of Europe the very valuable productions of the West Indies, such as sugar, molasses, coffee, spirits, &c. Again, sir, I state nothing new when I say that the produce of this country is essential to the West India islands, and the facility with which we can convey it to them, must at all times enable us to furnish them much cheaper than they can be furnished by any other people. It requires not indeed the spirit of prophecy to foretell, that the time must come when the very convenient and commanding situation we occupy, in every point of view, relative to the most valuable of those islands, will place in our hands the entire control of their trade; that is, if we pursue a wise and politic

system of measures in relation to them; holding fast upon all the great advantages nature has given us, and promptly availing ourselves of such others as circumstances may throw in our way. As a source of public revenue; as a means of increasing our national capital; and, though last, not least, as a nursery for our seamen, the importance of this commerce to the United States, is incalculable, and should be guarded with a jealous eye; we should never suffer our rightful participation in it to be diminished by others, much less have the folly to diminish it ourselves. Those islands are situated in our very neighborhood, and but for the arbitrary colonial restrictions upon commerce, to which they are now subject, no other nation could hold a successful competition with us in their markets, unless some such ill-judged, baleful, anti-commercial measure, as has now fallen to the genius of the gentleman from Pennsylvania to contrive, should enable them to do so.

I will now, sir, notice the relative hostile situations of France and St. Domingo, and see how far gentlemen are borne out in their positions—that the people of St. Domingo can be considered only as revolted slaves, or, at best, as French subjects now in a state of rebellion; that they are nationally in no respect separated from France; that to trade with them is a violation of the laws of nations, and that we have no right to do so. This, so far as I could understand them, forms a summary of the points that have been urged in support of the present measure, and in opposition to the trade; each of which deserves some attention. If I am wrong in these points, the friends of the bill will please now to correct me; and I hope gentlemen will become convinced during the discussion, that the case which so many of them have stated, of any foreign Power succoring and protecting the revolted slaves of the Southern States, is not the parallel of that before us. As to the first point, it is to be recollected, that some years past, to quote from high authority, "during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberties," when our enlightened sister Republic of France was, in her abundant kindness, forcing liberty upon all the world, and propagating the rights of man at the point of the bayonet, in one of her paroxysms of philanthropy, she proclaimed, by a solemn decree of her Convention, the blessings of liberty and equality to the blacks of St. Domingo too; invited them to the fraternal embrace, and to the honors of a Conventional sitting. The wisdom or the policy of this proceeding, it is not my business to inquire into, but it certainly affords some excuse, if any be necessary, for the subsequent conduct of those unfortunate people. The decree abolishing forever slavery in the West Indies, (French,) and extending all the blessings of citizenship and equality to every human creature, of whatever grade or color, then under the Government of France, passed the Convention in February, seventeen hundred and ninety-four. The existence of such a paper I did not expect would have been doubted here till the gentleman from New Jersey (Mr. KITCHEL) actually denied it. In the new Annual Register, of ninety-four, is the following account of it, page 347: "La Croix rose 'to move the entire abolition of slavery in the 'dominions of France. The National Convention rose spontaneously to decree the proposition 'of La Croix. On motion of Danton, on the 5th, 'the Convention resolved to refer to the Committee of Public Safety the decree of emancipation, 'in order that they might provide the most effectual and safest means of carrying it into effect." But here is the decree itself, as taken from the Gentleman's Magazine, and furnished to me by a friend: "National Convention, 1794, February '4th. The National Convention decrees that 'slavery is abolished in all the French colonies. 'It decrees in consequence that all the inhabitants 'of the French colonies, of whatever color, are 'French citizens, and from this day forward shall 'enjoy those rights which are secured to them by 'the declaration of rights, and by the Constitution." And this same principle the Convention frequently recognised, by receiving at their bar, in the most complimentary manner, various deputations of blacks from the West Indies, thanking them for the boon conferred upon them. One of these instances, among many others, I will submit, as a curiosity in legislative proceedings, to the Senate: "National Convention. Order of 'the day. A band of blacks of both sexes, amidst 'the sound of martial music, and escorted by a 'great band of Parisians, came into the hall to return thanks to the Legislature for having raised 'them to the rank of men. The President gave 'the fraternal kiss to an old negress, 114 years 'old, and mother of eleven children. After which 'she was respectfully conducted to an armed 'chair and seated by the side of the President, 'amid the loudest bursts of applause." By the original decree, the liberty of the blacks was established. This ceremony, it seems, was only to show their equality; and certainly, sir, the President could not have given a much stronger, or a much kinder evidence of it to the old lady. But, Mr. President, the claim of those people to freedom does not rest here. I have in my hand a document of much more recent date, and even more to be relied upon. It is the proclamation of the then First Consul, now the Emperor and King, to the people of St. Domingo, when General Le Clerc went there, in the winter of 1801, at the head of the French forces, which I will read. First, a short proclamation of General Le Clerc's:

LIBERTY. EQUALITY.

PROCLAMATION.

On board the Ocean, off the Cape, the 15th of Pluviose, 10th year of the French Republic, (Feb. 6, 1802.)

Le Clerc, General-in-chief of the Army of St. Domingo, Captain General of the Colony, to the inhabitants of St. Domingo:

Inhabitants of St. Domingo! Read the proclamation of the First Consul of the Republic. It assures to the blacks that liberty for which they have so long fought; to commerce and to agriculture that prosperity

without which there can be no colonies. His promises will be faithfully fulfilled; to doubt it would be a crime.

The General-in-chief,

LE CLERC, *Captain General.*

By order of the General-in-chief,

LENOIR

—

Extract from the Register of the Deliberations of the Consuls of the Republic, Paris, the 17th Brumaire, 10th year of the French Republic, one and indivisible, (November 8, 1801.)

PROCLAMATION.

The Consuls of the Republic to the Inhabitants of St. Domingo.

Inhabitants of St. Domingo! Whatever may be your origin and your color, ye are all Frenchmen; ye are all free, and all equal before God and the Republic.

France, like St. Domingo, has been a prey to factions, and torn by civil and foreign wars. But all is changed! Every people have embraced Frenchmen, and have sworn to them peace and friendship! All Frenchmen have likewise embraced each other, and have sworn to be all friends and brothers. Come ye, also, and embrace Frenchmen, and rejoice to see your friends and your brothers of Europe.

The Government sends you the Captain General Le Clerc. He carries with him great forces to protect you against your enemies, and against the enemies of the Republic. If it should be told you these forces are intended to tear from you your liberty, answer, the Republic has given us liberty. The Republic will not suffer that it should be taken from us. Rally round the Captain General; he restores you abundance and peace. Rally round him; he who shall dare to separate himself from the Captain General will be a traitor to his country, and the vengeance of the Republic shall devour him as fire devours your dried canes.

Given at Paris, in the palace of Government, the 17th Brumaire, 10th year of the French Republic.

BONAPARTE.

By the First Consul,

H. B. MARET, *Secretary.*

A true copy,

LE CLERC, *Captain General.*

This, sir, is proof irresistible; after which it can never be said that the liberation of those people has been the rash act, or the mere ebullition, of the heat and convulsion of a revolution. We have here their liberty solemnly recognised and proclaimed to the world eight years afterwards by the man who was then and still is at the head of the French Government; or rather, who is now the Government itself. I cite these papers to show that the French have now no claim, either in right, in justice, or in law, to any portion of the people of St. Domingo as slaves; that they are individually free, if the highest authorities in France could constitute them so, which will surely not be questioned; and in order to rebut a fallacious idea that has been taken up, and urged by some, that our merchants are conducting this commerce with slaves, the property of freemen, and not with freemen themselves, thus ingeniously endeavoring to draw a distinction between the situation of St. Domingo and that of any other colony that has ever heretofore attempted to separate itself from the mother country; to make their's, according to the language of the gentleman from Virginia, (Mr. MOORE,) a totally new, unprecedented case, and in this manner to take them out of the humane provisions of the laws of nations. I grant, sir, their case does form a distinction from any other, and in this it consists: the people of St. Domingo are fighting to preserve not only their independence as a community, but their liberty as individuals; to prevent a degradation from the exalted state of freemen to the debased condition of slaves, struggling against the manacles that have been forged for them by the lawless ambition of power. We are told, however, they are at least not free as a people, as a body politic; but in such a state of rebellion that no nation has a right to trade with them. Here it becomes necessary to understand each other as to the correct and definite import of words. Gentlemen, in common parlance, are apt to confound expressions of very different meaning, as has been strikingly the case during the present discussion. Hence the word "rebellion," has been substituted for, and used throughout, as if synonymous with "civil war;" but although rebellion is often the inception of civil war, there is a material distinction between the two. The former consists in the mere unreasonable insurrection of certain discontented individuals; whereas the latter is a people seriously divided among themselves, in a state of war, each party being capable of making a certain military stand against the other; and this is precisely the situation of France and St. Domingo at present, as will appear by the distinction taken in the books when applied to their case: *Vattel's Law of Nations*, b. 3, ch. 18, sec. 292, says: "Custom appropriates 'the term of *civil war* to every war between the 'members of one and the same political society. 'If it be between part of the citizens on the one 'side, and the Sovereign, with those who con-'tinue in obedience to him, on the other; pro-'vided the malcontents have any reason for taking 'up arms, nothing further is required to entitle 'such disturbance to the name of *civil war*, and 'not that of rebellion. This latter term is applied 'only to such an insurrection against lawful au-'thority, as is void of all appearance of justice." And I will submit with confidence to the high and honorable feelings of this Senate, whether the human mind is capable of conceiving a much stronger reason to induce a people to take up arms than to resist those whose known object it is to reduce them not only to political, but to personal slavery; or whether any other circumstance could give, according to the language of this writer, an equal appearance of justice to their cause. The section thus goes on: "The Sovereign, in-'deed, never fails to bestow the appellation of 'rebels on all such of his subjects as openly resist 'him; but when the latter have acquired sufficient 'strength to give him effectual opposition, and to 'oblige him to carry on the war against them ac-'cording to the established rules, he must neces-'sarily submit to the use of the term *civil war*." And certainly it cannot be said that the people of St. Domingo have not such sufficient strength,

when, after a war of so many years with France, we see them not only yet independent, but having now actually besieged the only French force in their country. I might safely have rested the correctness of the definition I have given of the term civil war, upon the four first lines only of the same section, the bearing of which too, upon the present question, will be obvious to the mind of every gentleman. They are as follow: "When 'a party is formed in a State, who no longer obey 'the Sovereign, and are possessed of sufficient 'strength to oppose him; or when, in a Republic, 'the nation is divided into two opposite factions, 'and both sides take up arms; this is called a 'civil war."

Let us now, Mr. President, attend to the present state of St. Domingo; but first to the circumstances that have led to it, and see how far this doctrine will apply. After the bands of the political society that had connected France and her colonies together were broken asunder; when the old Government of that country was completely dissolved, and one usurpation succeeded day after day to the places and to the vices of another; when the axe of the guillotine had extinguished the magic lustre of royalty, and even that grace and beauty, [a very superb likeness of the late Queen of France was hanging directly before him,] that had reigned so long unrivalled, the pride and idol of the nation, had to yield herself to the rudeness of a common executioner, and was humbled in death before a scoffing multitude; when the Constitution that had been recently established by the voice of the nation, and under which it was hoped they would flourish and be happy, had fallen into the ruthless fangs of the Jacobins, and the patriots who supported it had found refuge in exile, or mingled their blood upon the scaffold; when all rightful, civil, and legal authority was at an end, and the Revolutionary sabre alone gave law, the people of St. Domingo, as did the people of these States under other circumstances, declared themselves free and independent, determined to take their stand among the nations of the world, and now refuse allegiance to any foreign Power. They have organized a Government for themselves; they are *de facto* the governors of the country, and in every respect act as an independent people. They have waged, and carried on with France, for many years, a most serious war, in defence of what they say are their rights; and the French, by force of arms, have been endeavoring to subjugate them. And now let me ask if the United States, or any other Power upon earth, is competent to decide this great controversy between them? They each claim to be free and independent, and therefore acknowledge no superior; the struggle is between themselves, and no other nation has a right to interfere by direct acts of hostility, or by any commercial restrictions that can go to affect injuriously either of the parties, and to do so is a departure from neutral ground, and an infraction of the laws of nations, as I think will be within my power to show from the most incontestable authorities. For this purpose I will advert again to *Vattel*. But first let me beg to be understood as not meaning to intimate an opinion that a colony has not a right to separate herself from the mother country, except in a time of such universal confusion. On the contrary, I believe she has the right whenever she has the power; or, what amounts nearly to the same thing, whenever she becomes so far separated as to declare herself free and independent; to organize a government, to proceed in the administration of that government, and to take and pursue measures of self-defence. No other nation has a right to investigate the claim she sets up to freedom; no other nation has a right to judge between the parties, or to say on which side belongs the justice of the case; it is exclusively an affair of their own, and it behooves the rest of the world to stand aloof, the silent and impartial spectators of the conflict, treating in their commercial relations each of the parties with like civility.

Before I proceed to the cases I had noted myself, I must beg leave to tender my acknowledgments to the honorable member from Maryland on my left (Mr. WRIGHT) for one, he has been so obliging as to read to us, and which will be found to be directly in the teeth of the argument he so triumphantly erected upon it. It is in *Vattel*, b. 3, ch. 18, sec. 296: "Foreign nations are 'not to interfere in the internal government of an 'independent State. It belongs not to them to 'judge between the citizens whom discord has 'roused to arms, nor between the Prince and his 'subjects: both parties are equally independent of 'their authority." According to this case, then, the people of France and the people of St. Domingo are equally independent of our authority, and the gentleman adduced it to show that we have no right to interfere in their quarrel. Thus far, sir, we agree precisely, and from this point diverge in precisely opposite directions. Sir, the gentleman exactly mistook the case; the interference here contemplated is not, as he supposed, a neutral's trading, but refusing to trade with a belligerent, situated as are the people of St. Domingo in relation to France. It is a neutral withholding from one of the parties what she grants to the other; giving commercial aid and assistance to one, and denying it to the other. I will ask the gentleman if this bill, the object of which must be to starve the people of St. Domingo into submission to their enemies, is not a direct and most serious interference in their quarrel? More so, Mr. President, give me leave to say, than if you were to invade them with fleets and with armies. Sir, the very object of this case is to show, that between belligerents circumstanced in relation toward each other as are now the people of France and the people of St. Domingo, neutral nations are bound to observe the strictest impartiality; not to grant a benefit to one that they withhold from the other; but to conduct their commerce with each alike unrestrained. And if the gentleman had examined the same section, a few lines further, he would have found this broad principle laid down, that in the event of such a civil war between citizens of the same country,

or between a Prince and his subjects, neutral nations are equally at liberty to assist either party, as if they were two independent nations embarked in war. This principle, and the construction I have given to the gentleman's case, will be well supported by others, I shall now have the honor of submitting to the Senate, from the same author. *Vattel*, b. 2, ch. 4, sec. 56, says: "When 'the bands of the political society are broken, or 'at least suspended, between the Sovereign and 'his people, the contending parties may then be 'considered as two distinct Powers; and since 'they are both equally independent of all foreign 'authority, nobody has a right to judge between 'them. Either may be in the right." B. 3, ch. 15, sec. 295, says: "When a nation becomes di-'vided into two parties absolutely independent, 'and no longer acknowledging a common supe-'rior, the State is dissolved, and the war between 'the two parties stands on the same ground in 'every respect as a public war between two dif-'ferent nations." Again, sir, section 293 of the same book and chapter, says: "A civil war breaks 'the bands of society and Government, or at least 'suspends their force and effect. It produces in 'the nation two independent parties, who con-'sider each other as enemies, and acknowledge no 'common judge. Those two parties, therefore, 'must necessarily be considered as thenceforward 'constituting, at least for a time, two separate 'bodies, two distinct societies. Though one of 'the parties may have been to blame in breaking 'the unity of the State, and resisting the lawful 'authority, they are not the less divided in fact. 'Besides, who shall judge them? Who shall pro-'nounce on which side the right or the wrong 'belongs? On earth they have no common supe-'rior. They stand, therefore, in precisely the 'same predicament as two nations who engage in 'a contest, and, being unable to come to an agree-'ment, have recourse to arms." I will now, sir, cite another highly approved and more modern writer to the same point. *Marten's Law of Na-'tions*, ch. 2, sec. 10, says: "Suppose that the in-'terior troubles of a State come to an open rup-'ture between the Sovereign and his subjects, 'and that the whole nation, or part of it, should 'wish to drive him from the throne: or, suppose 'that a province or territory, subjected to another 'State, refuses obedience to it, and endeavors to 'render itself independent; in either of these 'cases, there are two points which must be sepa-'rated in determining on the conduct that foreign 'Powers ought to observe. 1st. The conduct to 'be observed towards the old or new Sovereign, 'or towards the people who, after having re-'volted, have declared themselves independent. '2dly. The assistance to be given to either party. 'With respect to the first of these, a foreign na-'tion, not under any obligation to interfere, do 'not appear to violate its perfect obligations, nor 'to deviate from the principles of neutrality, if, 'in adhering to the possession, without examining 'into its legality, it treats as Sovereign him who 'is actually on the throne, and as an independent 'nation, people who have declared, and still main-'tain themselves independent. The opposite par-'ty, however, never fails to complain of this con-'duct, as long as he does not himself acknowledge 'by treaty the validity of such possession or inde-'pendence. As to the second point, viz: the as-'sistance to be given to either party, when once 'obedience has been formally refused, and the re-'fusing party has entered into the possession of 'the independence demanded, the dispute becomes 'the same as those which happen between inde-'pendent States."

Could authorities, Mr. President, be more fully up to the case, or show more unequivocally our right, or rather the just obligation upon us to observe towards France and St. Domingo, during their present conflict, the strictest impartiality? For I contend, and the cases I have cited go the full length of proving it, that they are to be considered by us, in every respect, as two independent nations; two distinct Powers at war; and as such, it is our right and our duty to treat them. The rights and the duties of neutrals, in such circumstances, are so concisely and explicitly pointed out in the volumes I have just referred to, that I must be permitted to trouble the Senate with a few sections on these subjects likewise. *Vattel*, book 3, ch. 7, sec. 111, says: "Let us now discuss 'another case; that of neutral nations resorting 'to my enemy's country for commercial purposes. 'It is certain, that as they have no part in my 'quarrel, they are under no obligations to renounce 'their commerce for the sake of avoiding to sup-'ply my enemy with the means of carrying on 'the war against me. Should they affect to re-'fuse selling me a single article, while at the same 'time, they take pains to convey an abundant 'supply to my enemy, with an evident intention 'to favor him; such partial conduct would ex-'clude them from the neutrality they enjoyed. 'But if they only continue their customary trade, 'they do not thereby declare themselves against 'my interest; they only exercise a right which 'they are under no obligation of sacrificing to me." Same chapter, section 118: "A neutral nation 'preserves towards both the belligerent Powers 'the several relations which nature has instituted 'between nations. She ought to show herself 'ready to render them every office of humanity 'reciprocally due from one nation to another. 'She ought in everything not directly relating to 'war, to give them all the assistance in her power, 'and of which they may stand in need. Such 'assistance, however, must be given with impar-'tiality; that is to say, she must not refuse any-'thing to one of the parties, on account of his be-'ing at war with the other." It seems indeed superfluous, sir, but I will here refer once more to *Mar-ten*, b. 8, sec. 8; in treating of neutral commerce, according to the universal laws of nations, he says: "One of the most important points to be 'considered in treating of the laws of neutrality, 'is, the commerce carried on between neutral and 'belligerent nations. The right that a nation en-'joys, in time of peace, of selling and carrying all 'sorts of merchandise to every nation that chooses 'to trade with it, it enjoys also in time of war

'provided it remains neuter. It follows, then, 'that a neutral nation may permit its subjects to 'carry all sorts of merchandise, including arms 'and ammunition, to the Powers at war, or to 'that of them, with which this commerce may 'be carried on to the greatest advantage. So long 'as the State, that is, the foreign Power, in a neu-'tral nation, does not interfere, by prohibiting 'commerce with either or all the Powers at war, 'so long, it would seem, the nation does not trans-'gress the laws of neutrality." The universal laws of nations, which formerly licensed neutrals in carrying arms and ammunition, or other articles, properly contraband, to a belligerent, have been modified in that particular, by the modern laws of nations, as may be seen in section 12, of the same book and chapter.

From all these cases, Mr. President, I am well warranted in the following deductions: 1st. That when the bands of Government among a people, by means of civil war, become broken, or for a time suspended, the two parties are to be considered, at least during the contest, as two distinct Powers, as two independent nations, who, being otherwise unable to settle their disputes, make a solemn appeal to arms. 2d. That a revolted colony or province, while holding and exercising the rights of sovereignty, is to be treated by neutral nations as an independent people, without regarding the legality or illegality of their claim to such independence; and, 3dly, That in the disputes of such belligerents, neutrals have no right to interfere, either commercially or otherwise, to the injury of either, but are bound to conduct themselves with the strictest impartiality towards both. And here, sir, we arrive precisely at the point. The present question seems to be the very focus in which the rays of light emitted from those cases naturally meet. They are too plain to require, or even admit of elucidation. I will leave every gentleman to apply them for himself. According to my understanding they have only to be read or to be heard, in order to attach themselves immediately to the subject of our present consideration. It clearly results, then, that we have not only the right, but that we are bound by the laws and usages of nations, to conduct our commerce with St. Domingo, during existing circumstances, precisely as we should with any independent foreign Power that might happen to be engaged in war, and that a contrary conduct, such as that now proposed, would be on their part a just cause of complaint, and even of aggression against us. And I hope it will never be said that this Government, which, according to the polite concession of the French Minister, "has taken for the basis of its political career, the most scrupulous equity, and the most impartial neutrality," will now commit an act in open and direct violation of both; and because the people of St. Domingo may at present be unable to enforce right and justice, do them wrong and injustice.

The gentleman from Pennsylvania farthest from me, (Mr. MACLAY,) in search of arguments to support this measure, has travelled back to the first years of the American Revolution. There I will resort too, sir, and I trust with better success. In the conduct both of France and of England, at that time, we shall find a precedent directly in support of my argument. After these colonies had revolted against the authority of Great Britain, France continued uninterruptedly her commerce with them, other than such as was contraband, till the 6th of February, 1778, when she entered into a Treaty of Amity and Commerce, and another of Alliance, eventually to become a treaty offensive and defensive, with us, under the style and character of the thirteen United States. In the first article of the Treaty of Alliance, France expressly asserts her right to navigate and carry on commerce with the colonies, and declares, that if the British should, "in violation of the rights of nations, attempt to hinder that navigation and that commerce," she would make it a common cause. But to prove unequivocally what was then the opinion of France on this subject, I will refer to one of her own State papers. In the Annual Register for 1778, p. 299, is the note of the French Minister, De Noailles, dated London, March 13th, 1778, communicating to the British Government the Treaty of Amity and Commerce entered into between France and these States, part of which is as follows: "The United States of 'North America, who are in full possession of in-'dependence as pronounced by them on the 4th 'of July, 1776, having proposed to the King to 'consolidate, by a formal convention, the connex-'ion begun to be established between the two na-'tions, the respective Plenipotentiaries have signed 'a Treaty of Friendship and Commerce, designed 'to serve as a foundation for their mutual good 'correspondence.

"In making this communication to the Court 'of London, the King is firmly persuaded it will 'find new proofs of His Majesty's constant and 'sincere disposition for peace; and that His Brit-'annic Majesty, animated by the same sentiments, 'will equally avoid everything that may alter 'their good harmony; and that he will particu-'larly take effectual measures to prevent the com-'merce between His Majesty's subjects and the 'United States of North America from being in-'terrupted, and to cause all the usages received 'between commercial nations to be in this respect 'observed, and all those rules which can be said 'to subsist between the two Crowns of France 'and Great Britain." So it clearly appears that France then considered herself as not only having a right to trade, but publicly to enter into a commercial treaty with the revolted colonies of Great Britain, upon the ground that they were, for the time at least, holding and exercising the rights of independence. And yet we are now told by the French Minister, that to trade with a revolted colony of France, notoriously in the full possession and exercise of sovereign authority, is "an 'infraction manifest of law the most sacred, and 'the best observed by every nation under the do-'minion of civilization." And gentlemen will find by referring to the justificatory manifesto of the British Government, to be seen, I think, in the Annual Register for 1779, that their acts of

hostility were not commenced against France in consequence of any commerce she did or might carry on with the colonies, but upon the ground of these treaties, and of Mr. De Noailles's note, which in the manifesto is called an open declaration of war, it being an overt act of France, acknowledging the independence of these States. The gentleman from Pennsylvania, (Mr. LOGAN,) however, tells us that trading with St. Domingo may involve us in a war, and therefore we had better quit it. This argument, sir, would have equal force if urged against a peaceable man's going out into the street, lest somebody should knock him down. But as another means of endangering our peace, he has told us further, that our merchants send arms and ammunition to St. Domingo. This, indeed, if so, I confess is to be regretted, and I wish could be prevented. It is, however, at their own risk, unsanctioned by the Government; they know and must abide the consequences. Such articles, if taken, are liable to confiscation, and this is the course pursued every day throughout the world, under similar circumstances; it is a control over the commerce of neutrals allowed to belligerents by the laws of nations, and has grown out of the necessity of the case. But who ever heard of a nation being involved in war, because a private citizen or subject, of his own mere will, was pleased to sell arms and ammunition to one of the belligerents? If the gentleman's doctrine be correct, to what point would it, or rather would it not, carry us? Whenever any two foreign Powers may choose to engage in war, we shall be under the necessity of interdicting all commerce abroad, on the part of our citizens, lest some rash, adventurous merchant, by vending articles contraband to one of the parties, should likewise involve us in the contest. Sir, such a principle, if I may use the expression, such a phantom of a principle, had never before even the shadow of existence. Its palpable absurdity will not bear the test of a moment's investigation; whereas the principle I have had the honor of stating in relation to contraband goods, is not only that which governs among nations generally, and bottomed on the laws of nations, but is explicitly recognised in the thirteenth article of our treaty with France, in which, after particularizing the articles that shall be deemed contraband between the parties, it is thus expressly stated: "All the 'above articles, whenever they are destined to the 'port of an enemy, are hereby declared to be con-'traband, and just objects of confiscation; but the 'vessel in which they are laden, and the residue 'of the cargo, shall be considered free, and not in 'any manner infected by the prohibited goods, 'whether belonging to the same or a different 'owner." If, then, there is any faith or confidence to be reposed in treaties, the honorable member may quiet his fears as to the danger of private adventures of this kind, involving the nation in a war with France; the two Powers, anticipating the evil, have wisely provided a milder remedy for it in this compact.

I must here inquire if, as gentlemen contend, it is not now lawful to carry on commerce with the people of St. Domingo, when it may probably become so? Suppose, for instance, the French should continue this inefficient kind of warfare upon them, if even such it may be considered, for a century to come, holding as at present but a single post in the island, while the natives are in full possession of the sovereignty of the country, and administering a regular Government? Will it be said, under such circumstances, that no nation is to be allowed to trade with them for a century to come? Or will gentlemen hold them as rebels to all eternity, and never suffer the rest of the world to have intercourse with them? Sir, those people will never be reduced by General Ferrand's war of proclamations; and while on this subject I must be permitted to express my astonishment at a very extraordinary document of this kind that has been recently laid upon our tables, signed by General Ferrand, and purporting to be a proclamation or decree of his, directed chiefly at the citizens and commerce of the United States. It is indeed, throughout, calculated to inspire no other sentiment than contempt; the arrogance and presumption of its style and manner is equalled only by the emptiness of its threats. General Ferrand, shut up in the city of St. Domingo, with scarcely the power of conveying his proclamation beyond the redoubts of his garrison, undertakes to prescribe to all the neutral nations of the earth the extent of their rights, and the manner in which they shall conduct their commerce, and expresses truly great surprise that his former decree on the subject had not been better attended to by them; in which, as he says, he had "left no doubt as to the sentiments of respect due to the freedom of navigation and neutral rights." As if the navigation, the commerce, and all the rights of neutral nations depended now upon the caprice of a French officer, and were, like the police of a camp, to be settled by general orders. And this same Captain General, as he calls himself, *pro tempore*, besieged by a parcel of unarmed, undisciplined, half-starved negroes, without the means of making even a sortie upon them, talks of the *impudence* of our public officers, and threatens with the vengeance of his mighty arm, all the people of the United States that go contrary to his orders. Sir, I can liken this proclamation to nothing but the idle vaporings of a fettered maniac, menacing, from the grates of his cell, the overthrow of the world. If the Pope had issued a bull of excommunication against the whole of us, it could not have been half so ridiculous as this proclamation, upon which the gentleman from Maryland on my left (Mr. WRIGHT) has inadvertently rested as one of the strong holds of his argument; telling us, to use his own words, that it was a requisition too imperious to be resisted. Then, sir, such is the ground we now occupy among nations, that the mandate of a French officer, besieged in the West Indies by a rabble of starving negroes, is a requisition too imperious for us to resist. Were I of opinion with that honorable member, I should at once be for soliciting the protection of those blacks, and praying of them, in Heaven's name, to keep where he

is this mighty warrior, this terror of our land; but, thinking as I do, sir, the imperious manner of this decree is one of the reasons why I should not only resist it if necessary, but treat it with the most marked and sovereign contempt. General Ferrand might have been serious in writing such a proclamation, or decree, expecting it to have some operation upon the feelings and the fears of the ignorant blacks of St. Domingo, but he certainly, even himself, could never have been crazy enough, for a moment to suppose, that any citizen of the United States, arrived at years of maturity, or rather of discretion, would be serious in reading it, or that the Government of this country would give it a moment's serious consideration.

As a sample, Mr. President, of what this proclamation soldier would do, it may not be amiss, while his decree is before us, to examine a few of its most prominent features. By the first article, all neutral vessels bound, or plausibly suspected to be bound to, or coming from, what he calls the rebel ports, are liable to detention; that, in the West Indies, means condemnation. By the 8th article, the officers, passengers, and crews of such vessels, are directed to be sent, as soon as possible, prisoners to the city of St. Domingo, to be prosecuted according to the rigor of the laws. And by the 13th article, a privateer taking one of your vessels from any port in possession of the blacks, is exempted from all duties upon his prize. Here, indeed, it would seem, as if General Ferrand, in the vauntings of his omnipotency, had suspended for a time the laws of nature and of nations, the sacred obligations of treaties, and even the principles of right and justice, in order to settle this great question, uninfluenced by any of their embarrassing regulations. He has threatened your citizens with the ban of the Empire; he has condemned your commerce before it leaves your ports; and, as if the acknowledged prince of pirates, has proclaimed a reward to all such of them as will plunder you. Among the many very extraordinary parts of this most extraordinary document, that is not the least so in which reference is made to the treaty between France and the United States; a garbled quotation is given of the 26th article, and then a case is made to suit it. We are told that "vessels armed, under the American flag, daily convoy and sail in concert with 'vessels of the negroes, bearing a flag unknown 'among the civilized Powers, and consequently 'pirates." This, I confess, is a circumstance I had never heard of before, and to my mind almost incredible, that the citizens of the United States should be so blind to their interest as to become the mere protectors and encouragers of others, in carrying on a commerce that they could carry on themselves to so much greater advantage, especially when the risk to them is precisely the same; and that those negroes should hazard their vessels, their liberties, and their lives, in transacting a business that neutrals are every hour willing, ready, and waiting to transact for them. But even admitting the fact; admitting, for argument sake, that certain negroes of the West Indies may have acted as pirates, and that some vessel or vessels of this country, may have afforded them protection upon the high seas. Is this any ground upon which to inhibit the whole commerce between the United States and St. Domingo? I ask, would any citizen or citizens of the United States, becoming pirates upon the coast of England, or trading, combining, or confederating with pirates there, which, by the 8th statute of George the First, is made the same thing, be any justification on the part of that Government to interdict all intercourse with this country? No man in his senses can believe or say so. It could not, however, have escaped the attention of the Senate, that this circumstance, so much relied upon by General Ferrand, has never been even hinted at, either by the French Minister, or by Mr. Talleyrand, in their recent communications on this subject to our Government: and it would be passing strange indeed, if Mr. Talleyrand, of all other men in the world, should pass over unnoticed an occurrence of this kind, if true, when for the want of causes of complaint, he had to make a dinner, and the toasts of some private company in the city of New York, the subject of one of them. An affair with which Mr. Talleyrand knows well that this Government, or any other free Government, could have nothing more to do than they had with a complaint that was made by Mr. Adet against our Almanac makers, for placing in their Almanacs the name of the British Minister before his. But gentlemen will find, by attending to the 26th article of the treaty, that it has little or no connexion with the present question; scarcely more relation to it than any text in the Apocrypha, but was introduced merely for the punishment of those who should "receive, protect, harbor, conceal, or assist, any pirates within the ports, havens, or towns," of either of the countries, respectively. It is not, sir, the 26th, but the 12th article of the treaty, that bears upon our present subject, part of which I must beg leave now to read: "It shall be lawful for the citizens of either 'country to sail with their ships and merchan-'dise (contraband goods always excepted) from 'any port whatever to any port of the enemy of 'the other, and to sail and trade with their ships 'and merchandise, with perfect security and lib-'erty, from the countries, ports, and places of those 'who are enemies of both, or of either party, with-'out any opposition or disturbance whatsoever, 'and to pass not only directly from the places and 'ports of the enemy, aforementioned, to neutral 'ports and places, but also from one place belong-'ing to an enemy, whether they be under the juris-'diction of the same Power, or under several, 'unless such ports or places shall be actually 'blockaded, besieged, or invested." Here, sir, is given to us explicitly the right, as a neutral nation, of trading with all the enemies of France, and it certainly will not be denied that the people of St. Domingo are such; and not only of trading directly from this country to theirs, but from any one of their ports to any other. If this be not the plain meaning of the article I have read, there is no meaning in words; a treaty is a mere carte

blanche, into which every speculative politician may foist his crude opinions. Our right then to this commerce does not depend merely upon the laws of nations, but upon the solemn obligations of this instrument, that no sophistry can evade nor obscure with the shadow of a doubt.

I hold, therefore, this trade to be lawful; that we have a right to carry it on; and if, in doing so, we are annoyed and robbed by pirates, we have another right, that of arming in order to keep such people off. What do we arm for, sir? Is it to fight the French, to insult the flag, to distress the commerce, or to disturb the quiet and repose of any nation? No, sir; our conduct in this respect is sanctioned by the first law of nature. It is upon the same principle that a private citizen would prepare himself against the apprehended attacks of a highway robber or a midnight assassin. It is to defend our property and our lives against the rapacity and violence of a horde of pirates, who are notoriously armed every hour to assault them, and whose conduct no nation will avow, punish, or atone for.

We have been exultingly told by Mr. Talleyrand, and it has been echoed from this Chamber by the gentleman from New York, (Mr. MITCHILL,) that even the British consider St. Domingo a colony of France, and upon this principle condemn our vessels for trading there. I grant that such a pretext, among many others, has been resorted to in order to destroy our commerce; I grant that such an infringement of our neutral rights has been committed, and the reasons that have induced it must be obvious to the most superficial observer. The British, with a monopoly of this commerce themselves, and those same Englishmen who now condemn our vessels for trading to St. Domingo, upon the ground of its being a French colony, heretofore, when it suited their purposes, so far acknowledged the independence of those very people as to enter into a Commercial Treaty with them, and are now not only in the constant practice of trading there themselves, but of granting licenses to others to do so. I hope, however, the day has not come when our commerce is to be under the control of the Lords of the Admiralty, or our national rights dependent upon the judicial opinions of Sir William Scott; and the learned gentleman from New York must indeed have been pressed with the barrenness of his case when he had to resort to such an argument, derived from such a source. The gentleman from New Jersey, (Mr. KITCHEL,) I must in candor say, has, in support of the present measure, assumed premises totally new and different. His reasons, like most of those we have been accustomed lately to hear, were in the true style of modern legislation, enveloped in all the mysteries of secrecy. He tells us that we had better give up this commerce, because it is not valuable. Where the gentleman obtained this piece of information is utterly beyond the comprehension of my understanding: none such, certainly, has ever been laid before us; nor did he condescend to give us a clue to its source; but as if sufficient to urge it upon our faith with all the confidence of apostolic inspiration—to us who doubted, he refused even an opportunity of acquiring knowledge through any other channel; voted against the propositions of my friend and colleague, which went to ask of the Executive the actual state of this commerce, and to ascertain its real value. To do strict justice to the gentleman's argument, it is simply this, that whenever any foreign Power may please to demand of us the surrender of a right, however just and honest it may be; however it may comport with the dignity of the Government to preserve it; if, in a pecuniary point of view; if upon a cool peddling calculation of risk, profit, and loss, it cannot be deemed of high value, we are at once to give it up. This argument, I will confess, is worthy of the bill. So striking, and of such a kind is their affinity, that they seem peculiarly calculated to expose each other, and to excite in every mind valuing the honor, the dignity, and the character of the nation, like sentiments of disgust. The case cited by the gentleman from Pennsylvania, (Mr. MACLAY,) of the Indians, I think in 1755, under the avowed authority, direction, and support of the French Government, ravaging our frontiers, surely can have no relation to the question before us. Has this Government ever furnished arms and ammunition, or done any other act in order to assist and encourage the people of St. Domingo in attacking the countries of their neighbors? I cannot conceive what subject that might have been before Congress during our present session, the gentleman must have had in his mind, to which he supposed this case could apply; certainly not the present; it is infinitely more distant in point of analogy than of date. I have been exerting my imagination to discern any object or bearing it can have, that I might endeavor to meet it, but the total impossibility of the one, will save me the trouble of the other.

A few words now, Mr. President, as to the impolicy of adopting the present measure. I fear and believe it will have a tendency to increase one of the great evils at present so much complained of by our merchants; the number of pirates and freebooters in the West Indian seas. It will have the further effect of throwing into the hands of other nations, especially the British, a valuable commerce, at present conducted by our own citizens. But there is another far more serious consequence, which, in all human probability, may result from it, and to which I beg leave to call the attention of the gentlemen from our Southern country. With the people of St. Domingo we are now at peace; the advantages of our commerce to them, and their immediate dependence upon us for the necessaries of life, form the strongest security we could possibly ask, or have, that no act of hostility will be attempted on their part toward us while we continue to treat them as heretofore; but only restrict or embarrass your commerce with them; only pass a measure like the present, and you wound them in the tenderest part; they will see you, without provocation, aiming a blow at their very vitals; and will consider you as having abandoned your neutral

ground, and sided with their enemies. What will be the consequence? Does any gentleman suppose that nearly a million of people will patiently starve when the seas around them are covered with our defenceless merchantmen, laden with provisions? No, sir, impossible. In addition then to the renegadoes that at present prey upon you there, you immediately bring upon your trade a whole nation of pirates. Those people are now content to stay at home to till their own fields, to fight their own battles, and to depend upon us for supplies. I do not wish to see their views extend further. I do not wish to see them navigating the ocean, or tasting the sweets of maritime plunder. Such things are much easier learned than forgotten; much more readily resorted to than given up; and I consider the general commerce and prosperity of the United States, but more especially the delicate situation of our Southern country, viewing its particular description of population, and convenience to them, as imposing upon us the strongest obligations to offer them no inducements to resort to either. Whatever intercourse takes place between us, I wish to be in their own ports, and will never do an act that shall have a tendency to bring to our shores such visitors, either as friends or as enemies; and I believe this is the true course to avoid the calamity which some gentlemen seem so much to apprehend, and which I should deprecate as sincerely as any man.

I rejoice that the President has expressed, in his late Message, a disposition to take into the protection of the Government the commerce of the United States, though little has yet been done, or attempted. This project of the gentleman from Pennsylvania I hope forms no part of the new system, and he would have acted wisely before he submitted it to have examined better its consequences, and to have looked for a moment at the present condition of our commerce. What is it? Plundered upon every coast and in every sea, your flag, instead of being a protection against insult, seems to have become an invitation to injury. The British, the French, and the Spaniards, in the ratio of their force, treat us with like indignities; this is the only point in which they can agree. The former have adopted, and openly avow a system of measures that, if not counteracted, must go to deprive us of the most important of our neutral rights; while the two latter are anxiously rivalling each other in the most lawless and piratical depredations upon our defenceless trade; even the commissioned vessels of our Government have not been suffered to pass the high seas without insult and violence. The British and the French, whenever it suits their views, blockade our very ports; the British take their position off New York, so as to be convenient to the courts of Halifax; and our friends, the French, to whom the gentleman from Pennsylvania has told us we should be so particularly civil, take occasionally into their holy keeping, the commerce of Charleston and New Orleans, so as to be at a convenient distance from the British. Our trade with St. Domingo, indeed, the French have not been able to stop, nor have even the British yet assumed to themselves this maritime right; but the gentleman from Pennsylvania, in his great good faith and abundant charity, will now anticipate their wishes, and do it for them. This, indeed, surpasses even Christian meekness; it is not only, when smitten upon one cheek, turning the other also, but chastening ourselves, with more than monkish severity, in the most vulnerable part.

On motion, by one of the majority, to reconsider the fourth section, which restricts the operation of the law to one year, it passed in the negative.

On motion, to agree to the final passage of the bill, it was determined in the affirmative—yeas 21, nays 8, as follows:

YEAS—Messrs. Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Gilman, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Sumter, Turner, Worthington, and Wright.

NAYS—Messrs. Adams, Bayard, Hillhouse, Pickering, Plumer, Stone, Tracy, and White.

So it was *Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo."

FRIDAY, February 21.

The bill, entitled "An act to incorporate the Trustees of the Presbyterian Congregation of Georgetown," was read the second time and referred to Messrs. TRACY, MITCHILL, and SMITH of Maryland, to consider and report thereon.

The Senate took into consideration the motion made yesterday, "that a committee be appointed to wait on the President of the United States, and present to him the two resolutions passed on the 13th and 14th instant," and agreed thereto; and Messrs. SMITH of Maryland and MITCHILL were appointed the committee.

The Senate resumed, as in Committee of the Whole, the bill for the protection and indemnification of American seamen; and the bill having been reported to the House without amendment, on motion, that the further consideration thereof be postponed until the first Monday in December next, it passed in the negative—yeas 10, nays 19, as follows:

YEAS—Messrs. Bradley, Condit, Gilman, Kitchel, Mitchill, Moore, Smith of New York, Smith of Ohio, Smith of Vermont, and Turner.

NAYS—Messrs. Adair, Adams, Baldwin, Bayard, Fenner, Gaillard, Hillhouse, Howland, Logan, Maclay, Pickering, Plumer, Smith of Maryland, Stone, Sumter, Thruston, Tracy, Worthington, and Wright.

Ordered, That this bill be referred to Messrs. SMITH of Maryland, WRIGHT, MACLAY, BAYARD, and TRACY, to consider and report thereon.

The following motion was submitted for consideration:

That a committee be appointed to consider and report what further measures are necessary to be adopted by Congress for the protection of American seamen, and have leave to report by bill or otherwise."

The bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the Board of Wardens for the part of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned," was read the third time; and it was agreed that the further consideration of this bill be postponed until Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Philip Nicklin and Robert Eaglesfield Griffith," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read and ordered to the second reading.

On motion that it be

Resolved, That the PRESIDENT of the Senate and the SPEAKER of the House of Representatives be authorized to adjourn their respective Houses on Monday the 10th day of March next:

Ordered, That this motion lie for consideration.

The bill, entitled "An act relating to bonds given by marshals," was read the third time, and the further consideration thereof postponed until Monday next.

The amendment of the House of Representatives to the bill, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati and State of Ohio," was read and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the consideration of the amendment reported to the bill, entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes," and, having disagreed thereto, and reported the bill without amendment,

Ordered, That it pass to a third reading.

MONDAY, February 24.

The bill entitled "An act for the relief of Philip Nicklin and Robert Eaglesfield Griffith," was read the second time and referred to Messrs. SMITH, MACLAY, and BALDWIN to consider and report thereon.

Mr. KITCHEL presented the petition of Samuel Mansfield and others, praying that that part of the district of Perth Amboy which is called the town of Jersey may be made a port of entry; and the petition was read.

Ordered, That it be referred to the committee appointed on the 19th instant, who have under consideration the bill, entitled "An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts;" to consider and report thereon.

Agreeably to the order of the day the Senate took into consideration, as in Committee of the Whole, the bill, for classing the militia, and assigning to each class its particular duties; and the bill, having been further amended, was reported to the House accordingly.

Ordered, That it pass to the third reading as amended.

The bill, entitled "An act relating to bonds given by Marshals," was read the third time, and amended; and ordered that the bill, as amended, lie for consideration.

On motion,

"That the Senate now proceed to elect a committee of three members, to execute, jointly with a committee to be appointed by the House of Representatives, the purposes expressed in "the act for the further support of the library:"

It was agreed that this motion lie for consideration.

The bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the Board of Wardens for the port of Philadelphia, to collect a certain duty on tonnage for the purposes therein mentioned, was read the third time; and it was agreed that the second section thereof be struck out.

Resolved, That this bill pass, as amended.

Mr. THRUSTON presented the petition of John James Dufour, stating that he and his associates, some years since, purchased a certain lot of public land, for the cultivation of the vine; and praying that further time may be allowed them for payment of their instalments in arrear; and the petition was read and referred to Messrs. THRUSTON, TRACY, and BALDWIN, to consider and report thereon.

Mr. SMITH of Maryland, from the committee to whom was referred the bill, entitled "An act for the relief of Philip Nicklin and Robert Eaglesfield Griffith, reported it without amendment.

The Senate took into consideration the amendment of the House of Representatives to the bill, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati, and State of Ohio:" and concurred therein.

The bill entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes," was read the third time, and after debate, the Senate adjourned.

TUESDAY, February 25.

Mr. WORTHINGTON, from the committee to whom was referred, on the 17th instant, the bill entitled "An act for the relief of the Governors, Judges, and Secretary, of the Indiana Territory," reported the bill with amendments; which were read and ordered to lie for consideration.

The Senate took into consideration, as in Committee of the Whole, the bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States.

Ordered, That the further consideration thereof be the order of the day for Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend an act, entitled 'An act concerning the library for the use of both Houses of Congress," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

The Senate resumed the third reading of the

bill, entitled "An act extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes;" and on the question to agree to the final passage of this bill, it was determined in the affirmative—yeas 15, nays 11, as follows:

YEAS—Messrs Anderson, Baldwin, Condit, Fenner, Howland, Kitchel, Maclay, Mitchill, Smith of New York, Smith of Tennessee, Stone, Sumter, Turner, and Worthington.

NAYS—Messrs. Adair, Adams, Bayard, Bradley, Gilman, Hillhouse, Pickering, Plumer, Smith of Maryland, Smith of Vermont, and Wright.

So it was *Resolved*, That this bill do pass.

The bill for classing the militia and assigning to each class its particular duties, was read the third time; and on motion to amend this clause of the bill: "and be subject to the rules, regulations, and articles, provided for the government of the same," to read as follows: "And be subject to the rules to be provided for the government of the Militia:" it passed in the negative.

On motion to agree to the final passage of the bill as amended, it passed in the negative—yeas 8, nays 19, as follows:

YEAS—Messrs. Adair, Smith of Maryland, Smith of Ohio, Smith of Vermont, Thruston, Turner, Worthington, and Wright.

NAYS—Messrs. Adams, Anderson, Baldwin, Bradley, Condit, Fenner, Gaillard, Gilman, Hillhouse, Kitchel, Logan, Maclay, Mitchill, Pickering, Plumer, Smith of New York, Smith of Tennessee, Stone, and Sumter.

So the bill was lost.

Mr. KITCHEL, from the committee to whom was referred, on the 19th instant, the bill, entitled "An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and for erecting a light house on Wood Island or Fletcher's Neck, in the State of Massachusetts," reported the bill without amendment.

The Senate resumed the motion made on the 24th instant, "that a committee be appointed jointly, with a committee to be appointed by the House of Representatives, for the purposes expressed in the act, entitled 'An act for the further support of the library," and the motion was adopted; and

Ordered, That Messrs. MITCHILL, BALDWIN, and ADAMS, be the committee on their part.

WEDNESDAY, February 26.

The bill, entitled "An act to amend an act, entitled 'An act concerning the library for the use of both Houses of Congress," was read the second time, and referred to Messrs. ANDERSON, BALDWIN, and MITCHILL, to consider and report thereon.

The Senate took into consideration, as in Committee of the Whole, the amendments reported by the special committee to the bill, entitled "An act for the relief of the Governor, Judges, and Secretary, of the Indiana Territory;" and the amendments having been amended, were adopted, and the bill was reported to the House accordingly.

Ordered, That it pass to the third reading as amended.

Mr. LOGAN, from the committee to whom was referred, on the 3d instant, the bill for the punishment of counterfeiting the current coin of the United States, and for other purposes, reported the bill without amendment.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act for the relief of Philip Nicklin and Robert Eaglesfield Griffith." And on the question, Shall this bill pass to the third reading? it was determined in the negative. So the bill was lost.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act for altering the time for holding the circuit court in the district of North Carolina," with an amendment, in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine, called the Henrick, and her cargo;" in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to the second reading.

The Senate took into consideration the amendment of the House of Representatives to the amendments of the bill, entitled "An act for altering the time for holding the circuit court in the district of North Carolina," and agreed thereto.

Mr. MITCHILL, from the committee appointed on the subject, submitted to the consideration of the Senate, a report on those parts of the memorials from the merchants of New York, and the Chamber of Commerce in New Haven, which relate to providing a further naval armament for the public defence, as follows:

"In addition to the strong reasons urged in those two memorials, the committee refer to the President's Message of the third day of December last, informing Congress that considerable provision had been made under former authorities, of materials for constructing ships of war, that these were on hand, and subject to the will of the Legislature; and to two communications from the Secretary of the Navy, dated December 16th and 21st, 1805, giving information that large supplies of timber, cannon, copper, and other valuable materials for that object, had been already bought and paid for.

"Calculating the moderate appropriation which will be required to augment, to a very respectable degree, the naval force of the nation; contemplating the insults and depredations, committed by foreigners near our coasts, and at the very mouths of our most frequented harbors; and estimating the protection and security to the territory of the nation, and to the persons and property of its citizens, by an enlargement of the means of maritime defence, the committee recommend an adoption of the following resolution, to wit:

"That it is expedient to make provision by law for the appropriation of any balance which may remain unexpended of the Mediterranean fund, to the purpose of building ships-of-the-line, under the direction of the

President of the United States, agreeably to the provisions of the act of February 25, 1799."

Ordered, That it lie for consideration.

The Senate resumed the consideration of the amendments to the bill, entitled "An act relating to bonds given by marshals;" and the amendments were adopted; and the bill having been further amended, its further consideration was postponed.

THURSDAY, February 27.

The PRESIDENT communicated the report of the Commissioners for the district east of Pearl river, of the British grants of lands lying in that district, in conformity with the 7th section of the "Act regulating the grants of land and providing for the disposal of the lands of the United States south of the State of Tennessee;" and the report was read, and ordered to lie for consideration.

The bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine, called the Henrick, and her cargo," was read the second time, and referred to Messrs. BRADLEY, BALDWIN, and MITCHILL, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill for the punishment of counterfeiting the current coin of the United States, and for other purposes; and on motion to strike out the fourth section of the bill, as follows:

"SEC. 4. *And be it further enacted,* That if any person shall falsely make any kind of gold or silver coins counterfeit to, or intended to resemble foreign gold or silver coins, which shall not by law be made current money within the United States, with an intent to utter or make payment with the same, by merchandising or otherwise; or who shall utter any foreign coins of gold or silver, counterfeit to, or intended to resemble the foreign gold or silver coins aforesaid, knowing the same to be counterfeit; every such person shall be deemed guilty of a high misdemeanor, and upon conviction thereof, according to due course of law, shall forfeit and pay —— dollars, one moiety thereof to the use of the United States, and the other moiety to the use of the person or persons who shall sue for the same; and, moreover, shall be imprisoned not exceeding —— years."

It passed in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Condit, Fenner, Gilman, Howland, Kitchel, Mitchill, Moore, Pickering, Smith of Maryland, Smith of New York, Smith of Tennessee, Thruston, White, and Wright.

NAYS—Messrs. Bayard, Bradley, Hillhouse, Logan, Maclay, Plumer, Smith of Vermont, Stone, Sumter, Turner, and Worthington.

And the bill having been reported to the House, it was ordered to the third reading, as amended.

Mr. SUMTER, from the committee to whom was referred, on the 13th of January last, the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," reported amendments thereto; which were read, and ordered to lie for consideration.

Mr. SMITH, of Maryland, from the committee to whom was referred, on the 31st of January last, the bill for the protection and indemnification of American seamen, reported it with amendments; which were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes;" also a bill, entitled "An act for the relief of Peter Landais;" in which bills they desire the concurrence of the Senate.

The two bills last brought up for concurrence were read, and ordered to the second reading.

The following motion was submitted for consideration:

Resolved, That —— copies of the Constitution of the United States, with the amendments which have been made thereto, be printed for the use of the Senate.

FRIDAY, February 28.

Mr. LOGAN gave notice that he should, on Monday next, move for leave to bring in a bill to incorporate a National Academy.

Mr. GAILLARD, from the committee to whom was referred, on the 11th instant, the bill, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed on the twenty-first day of December, in the year one thousand eight hundred and four, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on tonnage of vessels from foreign ports," reported the bill without amendment.

The bill, entitled "An act for the relief of Peter Landais," was read the second time, and referred to Messrs. MITCHILL, SMITH of Maryland, and BALDWIN, to consider and report thereon.

On motion, it was agreed that the report of the select committee recommending additional fortifications, and other means of defence, for the city and harbor of New York, for Charleston, and other places, be made the order of the day for Monday next.

The bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes," was read the second time, and referred to Messrs. WORTHINGTON, KITCHEL, and BALDWIN, to consider and report thereon.

The bill for the punishment of counterfeiting the current coin of the United States, and for other purposes," was read the third time, and the further consideration of the bill postponed.

The Senate resumed the second reading of the bill, entitled "An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery; and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts."

Ordered, That this bill pass to a third reading.

The Senate proceeded to consider, as in Committee of the Whole, the amendments reported by the select committee to the bill for the protection

and indemnification of American seamen; and, having progressed therein so far as to strike out all the original bill except the enacting clause, and having disagreed to the first section reported by the special committee as a substitute,

Ordered, That the bill, together with the remaining part of the amendments reported, be recommitted to Messrs BAYARD, SMITH of Maryland, BALDWIN, ADAMS, BRADLEY, MITCHILL, and PICKERING, further to consider and report thereon.

MONDAY, March 3.

Mr. BRADLEY, from the committee to whom was referred, on the 11th of February last, a bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of North Carolina, together with certain resolutions submitted the 19th day of December last, reported, in part, "A bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle claims on the vacant and unappropriated lands within the same;" and the bill was read, and ordered to the second reading.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act to extend jurisdiction in certain cases to State judges and State courts;" with amendments, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments to the amendments on the bill last mentioned; and they were referred to Messrs. BALDWIN, MITCHILL, and TRACY, to consider and report thereon.

Ordered, That the bill, entitled "An act prohibiting for a limited time the exportation of arms and ammunition from the United States and the territories thereof," be the order of the day for Monday next.

The bill, entitled "An act relating to bonds given by marshals," was read the third time as amended, and passed.

PRIVILEGES OF FOREIGN MINISTERS.

The Senate resumed, as in Committee of the Whole, the amendment reported by the select committee to the bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States.

Mr. ADAMS.—There are two points of view, Mr. President, in which it appears to me to be important that the provisions of this bill should be considered—the one as they relate to the laws of nations, and the other as they regard the Constitution of the United States. From both these sources have arisen inducements combining to produce conviction upon my mind of the propriety, and indeed the necessity, of some measure similar in principle to that which I have had the honor to propose. I shall take the liberty to state them in their turns, endeavoring to keep them as distinct from each other as the great and obvious difference of their character requires, and that their combination on this occasion may appear in the striking light which may render it the most effectual.

By the laws of nations, a foreign Minister is entitled, not barely to the general security and protection which the laws of every civilized people extend to the subjects of other nations residing among them. He is indulged with many privileges of a high and uncommon nature—with many exemptions from the operation of the laws of the country where he resides, and, among others, with a general exemption from the jurisdiction of the judicial courts, both civil and criminal. This immunity is, in respect to the criminal jurisdiction, without limitation; and an Ambassador, though guilty of the most aggravated crimes of which the heart of man can conceive or his hand commit, cannot be punished for them by the tribunals of the Sovereign with whom he resides. Should he conspire the destruction of the constitution or government of the State, no jury of his peers can there convict him of treason. Should he point the dagger of assasination to the heart of a citizen, he cannot be put to plead for the crime of murder. In these respects he is considered as the subject, not of the State to which he is sent, but of the State which sent him, and the only punishment which can be inflicted on his crimes is left to the justice of his master.

In a republican Government, like that under which we have the happiness to live, this exemption is not enjoyed by any individual of the nation itself, however exalted in rank or station. It is our pride and glory, that all are equal in the eyes of the law; that, however adorned with dignity, or armed with power, no man owing allegiance to the Majesty of the nation can screen himself from the vindictive arm of her justice; yet, even the nations whose internal constitutions are founded upon this virtuous and honorable principle of equal and universal rights, have, like all the rest, submitted to this great and extraordinary exception. In order to account for so singular a deviation from principles in everyother respect deemed of the highest moment and of the most universal application, we must inquire into the reasons which have induced all the nations of the civilized world to this broad departure from the fundamental maxims of their government.

The most eminent writers on the laws of nations have at different times assigned various reasons for this phenomenon in politics and morals. It has sometimes been said to rest upon *fictions* of law. The reasoning has been thus: every Sovereign Prince is independent of all others, and as such cannot, even when personally within the territories of another, be amenable to his jurisdiction. An Ambassador represents the person of his master, and therefore must enjoy the same immunities. But this reasoning cannot be satisfactory; for, in the first place, a foreign Minister does not necessarily represent the person of his master—he represents him only in his affairs; and besides representing him he has a personal existence of his own, altogether distinct from his representative character, and for which, on the principles of common sense, he ought, like every other individ-

ual, to be responsible. At other times, another fiction of law has been alleged, in this manner: the foreign Minister is not the subject of the State to which he is sent, but of his own Sovereign: he is therefore to be considered as still residing within the territories of his master, and not in those of the Prince to whom he is accredited. But this fiction, like the other, forgets the personal existence of the Minister.* It is dangerous, at all times, to derive important practical consequences from fictions of law, in direct opposition to the fact. If the principle of personal representation, or that of *exterritoriality* annexed to the character of a foreign Minister be admitted at all, it can in sound argument apply only to his official conduct—to his acts in the capacity of a Minister, and not to his private and individual affairs. The Minister can represent the person of the Prince, no otherwise than as any agent or factor represents the person of his principal; and it would be an ill compliment to a Sovereign Prince to consider him as personally represented by his Minister in the commission of an atrocious crime. Another objection against this wide-encroaching inference from the doctrine of personal representation, is, that it is suitable only to Monarchies. The Minister of a King may be feigned to represent in all respects the person of his master, but what person can be represented by the Ambassador of a Republic? If I am answered, the *moral person* of the nation, then I reply, *that* can be represented by no individual, being itself a fiction in law, incapable of committing any act, and having no corporeal existence susceptible of representation.† I have said thus much on this subject, because I have heard in conversation these legal fictions alleged against the adoption of the bill on your table, and because they may perhaps be urged against it here.

But it is neither in the fiction of *exterritoriality*, nor in that of personal representation, that we are to seek for the substantial reason upon which the customary law of nations has founded the extraordinary privileges of Ambassadors; it is in the nature of their office, of their duties, and of their situation.

By their office, they are intended to be the mediators of peace, of commerce, and of friendship, between nations; by their duties, they are bound to maintain with firmness, though in the spirit of conciliation, the rights, the honor, and the interests of their nation, even in the midst of those who have opposing interests, who assert conflicting rights, and who are guided by an equal and adverse sense of honor; by their situation they would, without some extraordinary provision in their favor, be at the mercy of the very Prince against whom they are thus to maintain the rights, the honor, and the interest of their own. As the Ministers of peace and friendship, their functions are not only of the highest and most beneficial utility, but of indispensable necessity to all nations having any mutual intercourse with each other. They are the only instruments by which the miseries of war can be averted when it approaches, or terminated when it exists. It is by their agency that the prejudices of contending nations are to be dissipated—that the violent and destructive passions of nations are to be appeased—that men, as far as their nature will admit, are to be converted from butchers of their kind, into a band of friends and brothers. It is this consideration, sir, which, by the common consent of mankind, has surrounded with sanctity the official character of Ambassadors; it is this which has enlarged their independency to such an immeasurable extent; it is this which has loosed them from all the customary ties which bind together the social compact of common rights and common obligations.

But immunities of a nature so extraordinary cannot, from the nature of mankind, be frequently conferred, without becoming liable to frequent abuse. Ambassadors are still beings subject to the passions, the vices, and infirmities of man. However exempted from the danger of punishment, they are not exempt from the commission of crimes. Besides their participation in the imperfections of humanity, they have temptations and opportunities peculiar to themselves, to transgressions of a very dangerous description, and a very aggravated character. While the functions of their office place in their hands the management of those great

* It is manifest, that, if *exterritoriality* were to be allowed to Ministers, in the whole extent of the term, it would entitle them to many rights which they certainly have not: on the other hand, the privileges allowed them extend far beyond what the universal law of nations prescribes in their favor on this ground. Both these positions will be proved hereafter, and also that this extremely loose notion of *exterritoriality* is not always sufficient to ascertain the rights to which a Minister may pretend.—*Martens' Summary of the Modern Law of Nations, book 7, chap. 5.*

† The representative character of the Ambassador is the sign of representation of the Sovereign who sends, addressed to the Sovereign who receives the Minister. Ambassadors being natually the *mandatories* of the Prince by whom they are sent, the representative character, by the law of nature, consists in the power of transacting any public business in the name and right of the Sovereign, by whom they are sent, with another Sovereign Power: consequently, by the law of nature, an Ambassador is not as it were the same *moral person* as he who sends him, so as to be the same as if his master himself were present; nor is the Prince to whom he is sent bound to consider him as his equal. And as there is no necessity, either for the transaction of business or for the dignity of the sender, which may be preserved without it, of that representative character which consists in the power of representing the person of the sender, neither is the representative character, when stretched beyond the rules of natural law, any part of the voluntary law of nations: and, consequently, if introduced by usage, it is part of the customary law; if by treaty, part of the conventional law of nations. Wherefore, the consequences derived from this character respecting Ambassadors belong neither to the law of nature nor to the voluntary law of nations, much less do they sanction the gratuitous additions by which they are amplified. Hence, no nation is bound to acknowledge them, unless in consequence of express stipulation.—*Wolf. Institutes of the Law of Nature and Nations, part 6, chap. 10, sec. 1242.*

controversies, upon which whole nations are wont to stake their existence; while their situations afford them the means, and stimulate them to the employment of the base but powerful weapons of faction, of corruption, and of treachery, their very privileges and immunities concur in assailing their integrity by the promise of security, even in case of defeat—of impunity, even after detection.

The experience of all ages and of every nation has therefore pointed to the necessity of erecting some barrier against the abuse of those immunities and privileges, with which foreign Ministers have at all times and everywhere been indulged. In some aggravated instances the rulers of the State where the crime was committed have boldly broken down the wall of privilege under which the guilty stranger would fain have sheltered himself, and in defiance of the laws of nations have delivered up the criminal to the tribunals of the country for trial, sentence, and execution; at other times the popular indignation, by a process still more irregular, has, without the forms of law, wreaked its vengeance upon the perpetrators of those crimes, which otherwise must have remained unwhipped of justice. Cases have sometimes occurred when the principles of self-preservation and defence have justified the injured Government, endangered in its vital parts, in arresting the person of such a Minister during the crisis of danger, and confining him under guard until he could with safety be removed. But the practice which the reason of the case and the usage of nations, has prescribed and recognised, is, (according to the aggravation of the offence,) to order the criminal to depart from the territories whose laws he has violated, or to send him home, sometimes under custody, to his Sovereign; demanding of him that justice, reparation, and punishment, which the nature of the case requires, and which he alone is entitled to dispense. This power is admitted by the concurrent testimony of all the writers on the laws of nations, and has the sanction of practice equally universal. It results, indeed, as a consequence absolutely necessary from the independence of foreign Ministers on the judicial authority, and is perfectly reconcilable with it. As respects the offended nation, it is a measure of self-defence, justified by the acknowledged destitution of every other remedy. As respects the offending Minister, it is the only means of remitting him for trial and punishment to the tribunals whose jurisdiction he cannot recuse; and as respects his Sovereign, it preserves inviolate his rights, and at the same time manifests that confidence in his justice which civilized nations living in amity are bound to place in each other.*

On these principles, thus equitable and moderate in themselves, and thus universally established, is founded every provision of the bill before you, so far as it implicates the law of nations. I have been fully aware that, although by the Constitution of the United States Congress are authorized to define and punish offences against the law of nations, yet this did not imply a power to innovate upon those laws. I could not be ignorant that the Legislature of one individual in the great community of nations has no right to prescribe rules of conduct which can be binding upon all; and therefore, in the provisions of this bill, it was my primary object not to deviate one step from the worn and beaten path—not to vary one jot or one tittle from the prescriptions of immemorial usage and unquestioned authority.

In consulting for this purpose the writers, characterized by one of our own statesmen in a pamphlet recently laid on our tables, as "the luminaries and oracles to whom the appeal is generally made by nations who prefer an appeal to law rather than to power," I found that they distinguished the offences which may be committed by foreign Ministers into two kinds*—the one against

* It seems it may be said on this subject that there is no case in which the ordinary tribunals can extend their jurisdiction over public Ministers, and this with the more confidence, as I find it is the opinion of *Grotius*. This is incontestable with regard to common offences; and as for crimes of State, wherein the Ambassador violates the laws of nations—particularly if he attempt the life of the Prince to whom he is sent—the Sovereign alone, or the Council of State in his behalf, can take cognizance of it—can arrest the traitor in his house, and afterwards send him with the proofs to the Prince his master for punishment.—*Wiquefort's Ambassador, book* 1, *sec.* 29.

Princes sometimes oblige Ministers to depart from their dominions, and send them away under an armed escort. Queen Elizabeth caused Don Bernardin de Mendoza, Ambassador of Spain, and the Bishop of Ross, Ambassador from the Queen of Scots, to be shipped off. Louis XIV. of France sent under guard to the frontiers of Savoy a Nuncio from the Pope. The King of Portugal dismissed in like manner a Minister from the Pope in 1646. And in 1659, under Cardinal Mazarin, the Resident from the Elector of Brandenburg was ordered to quit the kingdom, and afterwards put into the Bastile, whence he was taken, sent to Calais in custody, and there embarked. In 1667 the Queen Regent of Spain ordered the Archbishop of Embrun, Ambassador to Spain, to withdraw, and would not suffer him to wait in Madrid for the letters which he expected to receive by the first courier. All he could obtain was to stop at Alcala until their arrival, and there he received them.—*Wiquefort, book* 1, *sec.* 30.

An Ambassador ought to be independent of every Power except that by which he is sent, and of consequence ought not to be subject to the mere municipal laws of that nation wherein he is to exercise his functions. If he grossly offends, or makes an ill use of his character, he may be sent home and accused before his master, who is bound either to do justice upon him or avow himself the accomplice of his crimes.—*Christian's Blackstone, vol.* 1, *p.* 253. *See also Montesquieu, Sp. L.* 26, 21.

* Suppose an Ambassador guilty of a crime deserving punishment in a court of justice, where then is he to be accused and punished?

In this question we must distinguish between two sorts of crimes of which an Ambassador may have been guilty. Either he has simply committed an offence, injurious to civil society and the public tranquillity—such as homicide, adultery, or almost any other of the common crimes, as they may be termed—or he has

the municipal laws of the country where they reside, and the other against the Government or State to which they are accredited; and that they recommended a correspondent modification of the manner in which they are to be treated by the offended Sovereign. The first section of the bill therefore directs the mode of treatment towards foreign Ministers guilty of heinous offences against the municipal laws; for, as to those minor transgressions which are usually left unnoticed by other States, I have thought no provision necessary for them. The section points out the mode by which the insulted State or injured individual may apply to the Chief Magistrate of the Union for redress, and by what process the President may obtain reparation from the offender's Sovereign, or, in case of refusal, dismiss the offender from the territories of the United States.*

The second section provides for the case of offences against the Government of the nation. If the insult is direct upon the President of the United States himself, it authorizes him at once to discard the offender; if the injury be against the nation, by any conspiracy or other act of hostility, it offers the means of removing at once so dangerous a disturber of the public tranquillity. This also will be found exactly conformable to the directions in *Vattel.*†

The third section brings me to the consideration of the relation which the bill bears to the Constitution of the United States. It contains a regulation, the object of which is at once to prevent all misunderstanding by the offending Minister's Sovereign of the grounds upon which he should be ordered to depart or sent home, and to mark by a strong line of discrimination the cases when a foreign Minister is dismissed for misconduct, from those when he is expelled on account of national differences. In this latter case, by the general understanding and usage of nations, an order to depart given to a foreign Minister is equivalent to a declaration of war. In the European Governments, where the power of declaring war and that of negotiating with foreign States are committed to the same hands, this nice discrimination of the specific reasons for which a Minister may be dismissed is far less important than with us. The power of declaring war is with us exclusively vested in Congress; and as the order to depart, when founded on national disputes, amounts to such a declaration, it appears to me, by fair inference, that for such cause the President of the United States cannot issue such an order without the express request or concurrence of Congress to that effect. It was from this view of the subject that, in the present bill, the power vested in the President to send home a culpable Minister is so precisely limited to the cases when the Minister shall have deserved that treatment by his personal misconduct. This distinction between the causes for which a foreign Minister may be sent home has been solemnly recognised in a remarkable manner by this Government in the treaty with Great Britain of the 19th November, 1794, in the twenty-sixth article.*

Here, sir, the sending home a Minister for national causes is recognised to be the very test of a rupture, and exactly tantamount to a declaration of war. But the same act, done for the Minister's personal misconduct, is acknowledged to be a right of both parties, which they agree to retain; and it is stipulated that it shall not in that case be deemed equivalent to a rupture. The expressions used imply that the parties did not consider themselves as introducing in this part of the article a new law, but as explaining the old. It is merely declaratory, "for greater certainty," and the previous existence of the right is recognised by the stipulation that both parties shall retain it. This is one of the articles of the treaty which have ex-

transgressed against the person of the Sovereign, or against the State, which is usually called treason or hostility.—*Byndershoek. De foro Legatorum, with Barbeyrac's Commentary, chap.* 17, *sec.* 6.

* Should an Ambassador forget the duties of his station; should he render himself disagreeable and dangerous, from cabals and enterprises; pernicious to the tranquillity of the citizens, the State, or Prince, to whom he is sent; there are several ways of correcting him, proportionate to the nature and degree of his fault. If he maltreats the subjects of the State—if he commits any acts of injustice or violence towards them—the subjects injured are not to seek redress from the common magistracy, the Ambassador being independent of their jurisdiction; consequently, those magistrates cannot proceed directly against him. On such occasions, the Sovereign is to be applied to; he demands justice from the Ambassador's master, and, in case of a refusal, may order the insolent Minister to quit his dominions.—*Vattel, book* 4, *chap.* 7, *sec.* 94.

† Should a foreign Minister offend the Prince himself—be wanting in respect to him—and by his intrigues raise disturbances in the State and Court, the injured Prince, from a particular regard to the Minister's master, sometimes requires that he should be recalled; or, if the fault be more heinous, the Prince forbids him the Court till he receives an answer from his master; but in important cases, he proceeds so far as to order him to quit his dominions. Every Sovereign has an unquestionable right to proceed in this manner; for, being master in his own dominions, no foreigner can stay at his Court or in his dominions without his permission. And though Sovereigns are generally obliged to hear the overtures of foreign Powers, and to admit their Ministers, this obligation ceases entirely with regard to a Minister who, being himself wanting in the duties incumbent on him from his character, becomes dangerous, or justly suspected by him to whom he is to come only as a Minster of Peace.—*Vattel, book* 4, *chap.* 7, *sec.* 95, 96.

* And for greater certainty it is declared that a rupture shall not be deemed to exist while negotiations for accommodating differences shall be depending, nor until the respective Ambassadors or Ministers (if such there shall be) shall be recalled or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights either to request the recall or immediately to send home the Ambassador or Minister of the other, and that without prejudice to their mutual friendship and good understanding.—*Treaty with Great Britain, 19th November,* 1794, *art.* 26.

pired; but as expressing the sense both of our own nation and of Great Britain upon the subject to which it relates, it is as effectual as it ever could be. Its provisions are still binding upon both parties as part of the law of nations, though they have ceased to be obligatory as positive stipulations.

This view of the subject will also furnish me with an answer to the question which has more than once been put to me, and which may perhaps be repeated here. It has been asked, whether the first and second sections of the bill are not superfluous—whether the cases are not already provided for, and whether the President does not, beyond all question, possess the power which they purpose to vest in him?

That the power is beyond question vested in him is, sir, more than I can take upon me to say. Had I thought it beyond all question, I certainly should not have brought forward the bill in its present shape. And I will in candor add, that if, after a due consideration of the subject, the Senate should be of opinion that the power is vested in him beyond all question, they will of course either reject the bill, or reduce it to a mere modification of the manner in which he shall exercise the right, whenever he shall deem it expedient.

By the Constitution of the United States, the Executive power is generally vested in the President, and he is expressly authorized and directed to "receive Ambassadors and other public Ministers." Now, sir, by the general grant of the Executive power, according to the writers who have scrutinized and discriminated with the nicest accuracy the powers of Government, the power of declaring war would of course be included. Such is the opinion, not only of *Montesquieu*, but of *Rousseau*, the most republican of writers on laws and constitutions. The practice of all the Governments in Europe which ever recognised the division of power is conformable to this theory. But our Constitution has expressly made the declaration of war a Legislative act, and, by fair inference, whatever is by the custom of nations equivalent to a declaration of war, we are bound to consider as a Legislative act also. Thus, then, although the President is invested with the executive power, and although he is to receive foreign Ministers, yet, not having the power to declare war, he cannot possess that of ordering away a foreign Minister for causes of national difference, because that is a virtual declaration of war. He is authorized to receive foreign Ministers, and by this grant of power he must be authorized to determine when, how, whom, he will receive as such. He must be considered as possessing the power to determine upon all those cases when a man, coming as an accredited Minister, may by the laws of nations be denied a reception; and he must also be allowed to determine when he will cease to receive a man in that capacity, after he has been admitted. This includes, as it appears to me, the right to request his recall, and even to intimate the wish to a foreign Minister that he would depart; but whether it also includes the power positively to order his departure, and, still more, to send him home by constraint, is not in my mind absolutely beyond a doubt. Ceasing to receive him as a public Minister is not ordering him away, much less is it sending him home. It is clear the President should have the power to send home a foreign Minister in some cases: it has not, in express terms, given him the power in any case. Whether he has it by implication, in the case of a Minister's misconduct, seems to me not absolutely beyond a doubt, and I believe the very doubt in a point of this magnitude would operate to prevent its exercise in a case of the utmost need. That doubt it was my purpose by this bill to remove. To remove it (if it exists) is unquestionably within the power of Congress, and the occasion calls loudly for their interposition. The doubt appears the more rational from the fact that the power has never been exercised. The revocation of exequaturs of two foreign Consuls by President WASHINGTON have been mentioned as cases in point, but are not applicable; for in the first place, Consuls are not entitled to the privileges or immunities of foreign Ministers; and in the next, the revocation of an exequatur is barely equivalent by analogy to the cessation to receive a Minister: it neither sends the man away, nor orders him to depart.

But it has been the fortune of the bill to be attacked from quarters in direct opposition to each other; and while on the one hand it has been censured as vesting in the President a power which beyond all question he possesses already, on the other it has been blamed as putting in his hands a power which beyond all question he has not, and which the Constitution never intended he should have. This construction of our Constitution has been laid down, sir, for our edification and improvement by a foreign Minister in his correspondence with our Secretary of State, which I speak of as a matter of public notoriety, because it has been published in all our newspapers, and remains uncontradicted. I must however observe, that at the time when this bill was introduced, I had never seen and had no knowledge of this learned Spanish commentary upon the Constitution of the United States.

I had not imagined that the true intent and meaning of our great national compact was to be settled by a foreign Minister, neither did it enter my heart to conceive that the Government of the United States was to receive lessons from a Spaniard upon the extent of its Constitutional powers. Yet, sir, so it is. The Spanish Minister has first chosen to construe into an order what he was expressly told was not an order, and next to tell the Secretary of State that this order is contrary to the spirit of the Constitution and Government of this country. I find, however, that there are even American citizens who think with this diplomatic expounder of our laws, that the President in no case has the power to order a foreign Minister to depart from our territories. I have myself always inclined to the opinion, that, for these cases of personal misconduct, the power of removal was given by the spirit of the Constitution, though not perhaps by its letter. That he ought to possess it, is not in my mind a subject of doubt at all; for, con-

sidering the nature of a foreign Minister's privileges, and the danger and urgency of the cases wherein men invested with that character most frequently abuse them, to deny the President the exercise of the only means which can control them, is to deny the nation itself the means of self-defence in the most perilous extremities. It may be asked whether this argument would not apply with equal force to the cases in which I deny the President's power to expel a foreign Minister, and in which the bill does not propose to give it? To this, I answer, No. In every possible case when a public Minister could be ordered home on account of national differences Congress must be in session, or must be summoned for that purpose. Such a state of things cannot suddenly arise. It is a measure never to be resorted to, unless with the settled determination of war; and its exercise never can be necessary for the President, to the execution of his Constitutional powers.

But the personal misconduct of a Minister may happen at any time—when Congress is not in session as probably as when it is. It would certainly happen more frequently in the former case than in the latter, if during the recess no power of restraint upon him could be used. These are offences, the detection of which would be often accidental, sudden, unexpected—calling for the instantaneous interposition of a vigorous arm to rescue the country from its danger. Suppose a conspiracy like that of Tarquin's Ambassadors, or that of Cataline at Rome—like that of Bedmar at Venice—like that of Cellamare in France: To say that the President should have no weapon of defence within his reach until Congress should be assembled, would give the conspiring Minister the power to execute at full leisure such orders as Cellamare received from Cardinal Alberoni, and enable him, before his hand could be arrested, to *set fire to all the mines.* It is therefore as clear to me that the President ought to possess the power of expulsion for personal offences, as that he ought not to possess the same power for causes of national controversy. And if the Constitution by its silence has left it questionable, it seems to me incumbent upon Congres to remove every shadow of doubt from the case.

Among the other objections which I have heard alleged against any Legislative act upon this subject, I shall now notice that which I consider as of the least real weight, and that is, that other nations have not made it a subject of legislation. But other nations have made the exemption of foreign Ministers from their civil jurisdiction a subject of legislation, as appears in *Martens.** And with respect to the criminal jurisdictions in cases of common crimes, it is remarkable that the same *Martens* says the English, for the want of an express law upon the subject, have departed from the usages of all other nations in this particular, and made foreign Ministers amenable to their criminal jurisdiction.* Now, sir, if the English nation are thus charged with a deviation from the practice of all other civilized nations, because they have not made an express law for acceding to it, surely no exception can be taken against us for making precisely such a law as England is said to want. This, law, therefore, instead of a mark of singularity, must be regarded as a test of conformity. Instead of throwing us into a corner with the solitary exception, it introduces us into the general circle of nations. It is not in sullen derogation, but in explicit affirmance of the general usage. It is no variation of our political compass; it is only the steady pointing of our needle to the real pole.

But a still more conclusive answer to this objection is, that other nations have made no law upon the subject, because, conformably to their constitutions, the act of sending home a foreign Minister is in all cases an Executive act, and of course an act requiring no Legislative interposition. I have already shown, sir, that by our Constitution it must in some cases be considered as a Legislative act; and hence arises a reason peculiar to ourselves for regulating the whole subject by Legislative sanction—reserving to Congress the power to exercise it when it becomes equivalent to a declaration of war, and leaving it in the hands of the President when it is, upon our own principles, an act purely Executive.

These, sir, are the considerations deduced from the laws of nations, and from our own Constitution, upon which the bill was presented to the Senate in its original shape. The amendment reported by order of the Committee is entirely in the spirit of the bill, and only specifies the precise mode in which the order for the removal of a criminal foreign Minister shall be executed. This section may perhaps be deemed expedient, even if it should be concluded that the abstract power is unquestionably vested in the President. For, even if he has the power without the legalized organs of carrying it into effect, as to all purposes of public benefit, the case is the same as if he had it not. It is, on this supposition, one of those authorities which require an organic law to make it practical. Nor is this the only instance in which the

* The exemption of foreign Ministers from the jurisdiction of the State is regulated in Holland by the ordinances of the States General of the 11th August 1676, and the 9th September 1679; and of the States of Holland of the 8th August 1659, the 30th July and the 14th August 1681. (See the "*Groot Placaat Boek*" under date of these years.) In England, by act of Parliament.—10 *Ann, chap.* 7. In Portugal, by ordinance of 1748.—*Martens' Summary, book* 8, *chap.* 5, *sec.* 3, *note* b.

* In the practice of the European nations, we find, that in cases of private crimes committed by a Minister, it is thought commonly sufficient to demand his recall. Though in England the want of an express law seems to leave Ministers without shelter from a criminal prosecution. In the case of State crimes, it is thought sufficient to seize his person while the safety of the State is in danger, releasing and sending him home afterwards. Even this extremity is not commonly resorted to if the danger is less imminent, and if it will admit the expedient of sending away the Minister, or demanding his recall.—*Martens' Summary, book* 8, *chap.* 5, *sec.* 189, *note* a.

Constitution has left it in the discretion of Congress to prescribe the manner of carrying its injunctions into effect. The very first law in your statute book is an example of the same description. The Constitution had enjoined that all civil officers of the United States and of the several States should be sworn to its support, but had not particularized the manner of administering the oath; and the first act of the first Congress, under our present Constitution, was to provide the necessary regulation.

It may now perhaps be expected, sir, that I should give some explanation of the more immediate circumstances in which the bill originated. And here I am sensible that I tread upon delicate ground. So highly honorable and respectable is the office of a foreign Minister, that to treat him with disrespect in common discourse, and still more in Legislative deliberation, would be without excuse, were his own conduct altogether unexceptionable. Should the occasion ever happen that a foreign Minister, by his own violation of all the common decencies of social intercourse towards the Government to which he was accredited, should forfeit every right to personal respect or esteem, still I hope, sir, I should not forget the consideration due to the credentials of his Sovereign; still I should think myself bound to observe all that moderation of expression which can be consistent with the sentiments of indignation involuntarily excited in my breast by an insult upon the Government of my country.

Within a few days after the Message of the President at the commencement of the present session of Congress was made public, the Spanish Minister addressed to the Secretary of State a letter couched in terms which it cannot be necessary for me to particularize, and containing, not only strictures of the most extraordinary nature upon all the parts of that Message respecting Spain, but complaints no less extraordinary at what it did not contain. Consider this procedure in its real light, sir, and what is it? A foreign Minister takes to task the President of the United States for the manner in which he has executed one of the most important functions enjoined upon him by the Constitution. He not only charges him with misrepresentation in what he did say, but he presumes to dictate to him what he should have said. I forbear all comment upon this conduct as it relates to the present Chief Magistrate. I ask you, sir, and I entreat every member of this Senate to ask himself, What is its tendency as it relates to our country? The Constitution of the United States makes it one of the President's most solemn duties to communicate to Congress correct information relating to the state of our public affairs. In every possible case of disputes and controversies of right between the United States and any foreign nation, the Minister of that nation must have an interest—and the strongest interest, to give a gloss and coloring to the objects in litigation—opposite to the interest of our country. If, whenever the President of the United States, upon the high and solemn responsibility which weighs upon every act of his official duty, gives to Congress that account of our foreign relations which is necessary to enable them to adapt their measures to the circumstances for the general welfare of the Union, a foreign Minister, under color of his official privileges, is to contradict every part of his statements, to impeach the correctness of his facts, and to chide him even for his omissions, to what an abyss of abasement is the Chief Magistrate of this Union to be degraded! The freedom which a Spanish Minister, unreproved, can take to-day, a French Minister would claim as a right to-morrow, and a British Minister would exercise without ceremony the next day. A diplomatic censorship would be established over the Supreme Executive of this nation, and the President would not dare to exhibit to Congress the statement of our national concerns, without previously submitting his Message for approbation to a Cabinet Council of foreign Ministers. Under the British Constitution, the speeches of the Sovereign to his Parliament are all settled in his Privy Council, and the Royal lips are understood to give utterance only to the words of the Minister. The reason of this is, that by the forms of their Constitution the Sovereign himself is above all responsibility, and the Minister is the person accountable to the nation for the substance of the discourse delivered by his master. In their practice, therefore, the speech is made by him on whom the responsibility rests. But if this new assumption of the Spanish Minister is submitted to, our practice will be an improvement on the British theory of a singular cast indeed; for, while the responsibility will rest upon the President who delivers the Message, its contents will be dictated by persons not only loosed from all responsibility to our country, but bound in allegiance, in zeal, in duty, to the very Princes with whom we have to contend. The same control which by this measure is attempted to be usurped over the acts of the President will at the next step, and by an easy transition, be extended to the Legislature; and, instead of parcelling out the Message among several committees for their consideration, we shall have to appoint committees upon every part of the Message relating to any foreign Power to wait upon the Minister of that Power, and inquire what it is the pleasure of his master that we should do.

That such is the inevitable tendency and the real intention of the proceeding will appear, not only from a due consideration of the act itself, but from a proper estimate of its avowed motive, and from the subsequent conduct of the same Minister. He addressed this letter to the Secretary of State, not for the purpose of asking any explanation—not for the purpose of giving any satisfaction—not for any of the usual and proper purposes of a diplomatic communication—but (as he himself declares) for our Government to publish, with a view to counteract the statements of the President's Message. It was a challenge to the President to enter the lists of a pamphleteering war against him, for the instruction of the American people and the amusement of foreign Courts; and having failed in this laudable project he addresses, after the expiration of forty days, a circular letter

to the other foreign Ministers residing in the United States, with copies of his letter to the Secretary of State, as if these foreign Ministers were the regular umpires between him and our Government. Not content however with this appeal, he authorizes them to give copies of his letters to insure that publication with which our Government had not gratified him, and calls at once upon the American people, and upon the European Courts, to decide between the President and him. Here too, sir, I beg gentlemen to abstract the particular instance from the general principle of this transaction. The same act which under one set of circumstances can only excite contempt, under another becomes formidable in the extreme. Of the newspaper appeal to the people I say nothing. The people of this country are not so dull of understanding or so depraved in vice as to credit the assertions of a foreigner, bound by no tie of duty to them—the creature and agent of their adversary—in contradiction to those of their own officer, answerable to them for his every word, and stationed at the post of their highest confidence. But the circular to the other foreign Ministers is a species of appeal hitherto unprecedented in the United States. And what is its object? The information of their Courts; that the Governments of France and Great Britain may learn from him the justice and generosity of his master.

It is probable that both those nations—the ally and the enemy of Spain—have much better materials for estimating the justice and generosity of His Catholic Majesty; but what have they to do in the case? By an anonymous newspaper publication, the idiom of which discovers its origin, a precedent is alleged in justification of this extraordinary step, and the reciprocal communication of diplomatic memorials concerning the affairs of Holland in the years 1786 and 1787, between the Ministers of Great Britain, France, and Prussia, at the Hague, is gravely adduced as warranting this innovation of the Spanish Minister here. The very reference to that time, place, and occasion, would of itself be a sufficient indication of the intent at this time. In the years 1786 and 1787, the three Powers I have just mentioned undertook, between them, not only to interfere in the internal government of Holland, but to regulate and control it according to a plan upon which they were endeavoring to agree. Their Ministers, therefore, very naturally communicated to each other the memorials which they presented to the Dutch Government. And what was the result? Two of those three Powers fixed between themselves the doom of Holland—raised a tyrannical faction upon the ruins of that country's freedom, and marched the Duke of Brunswick at the head of thirty thousand men into Amsterdam, to convince the Hollanders of the King of Prussia's *justice* and *generosity*.

This, sir, is the precedent called to our recollection for the purpose of reconciling us to the humiliation of our condition. We are patiently to behold a Spanish Minister insulting the President of the United States—dictating to him *his* construction of our Constitution—calling upon other foreign Ministers to countenance his presumption—and entrenching himself behind the example of another nation, once made the victim of a like usurpation! The resemblance is but too strong, and will, I hope, not be forgotten by us. If the constitutional powers of a Dutch Stadtholder were prescribed and moulded according to the pleasure and by the interference of foreign Powers, (as undoubtedly they were,) let us remember the fact with a determination never to be so controlled ourselves. It is held up to us as an example: let us take it as warning.

The subsequent proceedings of the Spanish Minister have been all in the same spirit with that under which he presumed to call upon the President to enter the lists of altercation with him before the people of this country. They manifest pretensions to which we ought not to submit—which we ought vigorously to resist. In his last letter to the Secretary of State, he tells him that he will receive no orders but from his own master. Now, if this has any meaning, it must be to deny the United States the right of ordering him away: that is one of the most indisputable rights of every Sovereign Power. When pretensions so destitute of all foundation are advanced, it becomes us immediately to show our sense of them: not to resist them might be construed into acquiescence. It is a virtual dereliction of our rights not to defend them when they are assailed.

I am indeed fully sensible that the operation of the bill I have proposed, should it meet the sanction of Congress, will not be retrospective—that to what has passed no remedy which can now be provided will apply—but we may prevent in future occurrences of a like character, and of much more dangerous consequence. We may prevent the spreading of an evil which threatens the dearest interests of the nation; we may prevent even the repetition of insults and injuries, which, but for the want of the regulations now proposed, in all probability never would have been offered. In my own opinion, the necessity for some Legislative provision upon this subject will force itself upon this Government with additional pressure, from year to year, until it can no longer be resisted. If foreign Ministers are to possess in the United States an unbounded independence of all the tribunals of justice, while the United States on their part are to be deprived of the ordinary means of self-defence, enjoyed and exercised by all other Sovereigns, to check the abuse of those formidable privileges, the course of events will, in my belief, at no very distant day, bring us into that unhappy dilemma which will leave no other alternative than to infringe the laws of nations or to sacrifice our Constitution—to commit violent outrage upon the rights of others, or to make a dastardly surrender of our own.

Mr. President, I ask your forgiveness, and that of the Senate, for having trespassed so long on your and their indulgence. They have now before them the principles and the motives on which the bill was first introduced: it is for them to determine on their justice and propriety. Should they think that my feelings or prejudices have

exaggerated the evil for which I am sincerely seeking a remedy, or that the remedy itself is liable to insuperable objections, they will at once dismiss the subject from their deliberations. Should they on the other hand consider the principle of the bill as admissible, they will fashion its details at their pleasure. To their decision, whatever it may be, I shall cheerfully submit, with the full conviction that it will be dictated by a pure and enlightened regard to the honor and welfare of our country.

The amendment was adopted, and the bill ordered to a third reading.

TUESDAY, March 4.

Agreeably to notice given on Friday last, Mr. LOGAN asked and obtained leave to bring in a bill to incorporate a National Academy, and the bill was read, and ordered to the second reading.

Mr. BRADLEY, from the committee to whom was referred, on the second day of December last, the bill, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia," made report; which was read, and ordered to lie for consideration.

Mr. SMITH, of Vermont, presented the petition of Samuel Harrison, agent for the heirs of Captain Jonathan Carver, praying for the recognition of an Indian deed, for a tract of land near St. Anthony's Falls, on the Mississippi; and the petition was read, and referred to Messrs. SMITH of Vermont, BALDWIN, and SMITH of Ohio, to consider and report thereon.

The Senate resumed the consideration of the motion made on the 13th day of February last, that it be

Resolved, That, from and after the —— day of —— next, it shall not be lawful to import into the United States on board any foreign ship, any goods, wares, or merchandise, other than such as are the growth, produce, or manufacture, of the nation to which such foreign ship shall belong, except on board the ships of such foreign nations who admit the importation into their ports of goods, although they are not the growth, produce, or manufacture of the United States, in the ships or vessels of the United States.

And having adopted the resolution,

Ordered, That Messrs. SMITH of Maryland, ADAMS, and BALDWIN, be the committee to bring in a bill accordingly.

The bill, entitled "An act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts," was read the third time, and passed.

Mr. BALDWIN, from the committee to whom were yesterday referred the amendments of the House of Representatives to the amendments of the Senate, to the bill, entitled "An act to extend jurisdiction in certain cases to State judges and State courts," made report. Whereupon,

Resolved, That the Senate agree to the said amendments to their amendments.

The bill, entitled "An act for the relief of the Governor, Judges, and Secretary, of the Indiana Territory," was read the third time and further amended.

The Senate resumed the third reading of the bill for the punishment of counterfeiting the current coin of the United States, and for other purposes. And, on the question to amend this clause of the first section: "which by law now are, or hereafter shall be, made current as money within the United States," so as to read, "which by law now are, or hereafter shall be made current, or be in actual use and circulation as money within the United States:" it was determined in the affirmative—yeas 19, nays 9, as follows:

YEAS—Messrs. Adair, Baldwin, Bayard, Bradley, Gilman, Hillhouse, Howland, Logan, Maclay, Moore, Plumer, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Thruston, Turner, White, and Worthington.

NAYS—Messrs. Adams, Anderson, Condit, Gaillard, Mitchill, Pickering, Smith of Maryland, Smith of New York, and Tracy.

And the bill having been further amended, on the question, Shall this bill pass? it was determined in the affirmative—yeas 22, nays 4, as follows:

YEAS—Messrs. Adair, Baldwin, Bayard, Bradley, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Moore, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Thruston, Turner, and Worthington.

NAYS—Messrs. Adams, Condit, Mitchill, and Smith of Maryland.

So it was *Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act for the punishment of counterfeiting the current coin of the United States, and for other purposes."

Mr. SMITH, of Ohio, gave notice that he should ask leave to bring in a bill to explain the first section of an act, entitled "An act to divide the Indiana Territory into two separate governments.

The bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, was read the second time.

WEDNESDAY, March 5.

Mr. MITCHILL, from the committee to whom was referred, on the 28th February, the bill, entitled "An act for the relief of Peter Landais," reported it without amendment.

Mr. BRADLEY, from the committee to whom was referred, on the 27th of February, the bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark, for the capture and condemnation of the Danish brigantine called the Henrick, and her cargo," reported it with amendment.

The bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, was considered as in Committee of the Whole.

and, on motion, it was agreed that the further consideration thereof be postponed until to-morrow.

The bill to incorporate a National Academy was read the second time, and referred to Messrs. LOGAN, MITCHILL, and ADAMS, to consider and report thereon.

Agreeably to notice given yesterday, Mr. SMITH of Ohio asked and obtained leave to bring in a bill to explain the fifth section of an act, entitled "An act to divide the Indiana Territory into two separate governments," and the bill was read, and ordered to the second reading.

Conformably to the order of the day, the Senate took into consideration the report of the committee on additional fortifications to the harbor of New York; and, after debate, the further consideration of this report was postponed.

The bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States, was read the third time; and, after debate, the Senate adjourned.

THURSDAY, March 6.

Mr. LOGAN, from the committee to whom was referred, on the 5th instant, the bill to incorporate a National Academy, reported it without amendment.

The bill, entitled "An act for establishing rules and articles for the Government of the armies of the United States," was considered as in Committee of the Whole, and the amendments reported by the select committee having been adopted, the bill was reported to the House accordingly.

Ordered, That it pass to the third reading as amended.

The Senate resumed the second reading of the bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, as in Committee of the Whole; and the bill having been amended, the further consideration thereof was postponed till to-morrow.

Mr. SMITH of Maryland, from the committee appointed to consider the resolution of 12th February on the subject, reported the following bill, which was read and passed to a second reading:

A Bill for the encouragement of the shipping and navigation of the United States.

Be it enacted, &c., That, from and after the —— day of —— next, no goods, wares, or merchandise, shall be imported in any foreign ship or vessel into the United States, or the territories thereof, other than goods, wares, and merchandise, of the growth, produce, or manufacture of the nation to which such foreign ship or vessel shall belong, upon the penalty of the forfeiture of all such goods, wares, and merchandise, as shall be imported, in any foreign ship or vessel, contrary to the true intent and meaning hereof, as also of the ship or vessel in which they shall be imported, and of all her tackle, furniture, and apparel, to be disposed of conformably to the ninety-first section of the act to regulate the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-one. *Provided always*, That this prohibition shall not extend to the ships or vessels of any foreign nation, which admits into its ports the importation, in ships or vessels of the United States, of goods, wares, and merchandise, not being the growth, produce, or manufacture, of the United States: *And provided also*, That any forfeiture which may be incurred by virtue of this act, may be mitigated or remitted in the manner prescribed by the act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned, passed third March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed eleventh February, one thousand eight hundred.

Mr. WORTHINGTON submitted the following motion, which was read, and ordered to lie for consideration:

Resolved, That, in order better to provide for the defence of the Territory of Orleans, a tract of land, not exceeding in any case —— acres, to be located out of a tract of land not exceeding two millions of acres, to be surveyed between the Achafalaya, the Red river, and a meridian line passing by the fort at Natchitoches, shall be given, free of all expenses, other than those of survey expenses and office fees, to every citizen of the United States above twenty-one years of age, and not at present residing either in said Territory or in the Mississippi Territory, who shall, before the —— day of —— next, become an actual settler on such tract, and shall actually improve, and continue to cultivate and reside on the same —— years thereafter; on condition, that such actual settler, and his sons, above the age of eighteen years, at any time or times, during the said period of —— years, be liable to be called into service for the defence of the said Territories of Orleans and Mississippi, and under obligation, during the said period, to continue in such service for any length of time which may be necessary.

The motion made on the 27th of February, for printing —— copies of the Constitution of the United States, was resumed and the further consideration thereof postponed.

The Senate resumed the consideration of the amendments reported to the bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine called the Henrick, and her cargo," as in Committee of the Whole; and the amendments having been adopted, the bill was reported to the House accordingly.

Ordered, That it pass to the third reading as amended.

The Senate took into consideration the bill, entitled "An act for the relief of Peter Landais," as in Committee of the Whole; and, after progress, adjourned.

FRIDAY, March 7.

Ordered, That the third resolution, reported by the committee on the 5th February last, prohibiting the importation of certain goods, wares, and merchandise, from Great Britain and her dependencies, be the order of the day for Monday next.

The bill to explain the fifth section of an act, entitled "An act to divide the Indiana Territory into two separate governments," was read the second time.

Ordered, That this bill pass to a third reading.

Mr. ANDERSON, from the committee to whom was referred, on the 26th February last, the bill, entitled "An act to amend an act, entitled 'An act concerning the library for the use of both Houses of Congress," reported it without amendment.

The Senate resumed the consideration of the bill, entitled "An act for the relief of Peter Landais," as in Committee of the Whole; and the bill having been reported to the House without amendment, it was ordered to the third reading.

Ordered, That the bill to authorize the State of Tennessee to issue grants, and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, be the order of the day for Monday next.

The bill for the encouragement of the shipping and navigation of the United States was read the second time, and ordered to the third reading.

Mr. BALDWIN, from the committee appointed January 13, on the petitions of Benjamin Hichborne and others, asked and obtained leave to bring in a bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; and the bill was read, and ordered to the second reading.

Mr. HILLHOUSE presented the memorial and representation of John Chester, late supervisor of the revenue of the United States for the Connecticut district, stating that he made considerable disbursements, and performed various services prior and subsequent to his being in office, whereby great addition of revenue accrued to the United States, and praying an equitable remuneration therefor; and the memorial was read, and referred to the Secretary for the Department of the Treasury to consider and report thereon.

PRIVILEGES OF FOREIGN MINISTERS.

The Senate resumed the third reading of the bill to prevent the abuse of the privileges and immunities enjoyed by foreign Ministers within the United States.

A motion was made to strike out the first, second, and third sections of the bill. Whereupon, a division of the question was called for; and on the question to strike out the first section, it was determined in the affirmative—yeas 23, nays 7, as follows:

YEAS—Messrs. Adair, Anderson, Baldwin, Bayard, Bradley, Condit, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Moore, Pickering, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Thruston, and White.

NAYS—Messrs. Adams, Mitchill, Plumer, Smith, of New York, Tracy, Turner, and Worthington.

And on the question to strike out the second section of the bill, it was determined in the affirmative—yeas 21, nays 9. as follows:

YEAS—Messrs. Anderson, Baldwin, Bayard, Bradley, Condit, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Moore, Pickering, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Sumter, and Thruston.

NAYS—Messrs, Adair, Adams, Mitchill, Plumer, Smith, of New York, Tracy, Turner, White, and Worthington.

And on the question to strike out the third section of the bill, it was determined in the affirmative—yeas 27, nays 3, as follows:

YEAS—Messrs. Adair, Adams, Anderson, Baldwin, Bayard, Bradley, Condit, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Moore, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Thruston, Turner, and White.

NAYS—Messrs. Mitchill, Tracy, and Worthington.

And the bill having been further amended, on the question. Shall this bill pass? it was determined in the negative—yeas 4, nays 24, as follows:

YEAS—Messrs. Adams, Plumer, Smith of Ohio, and Thruston.

NAYS—Messrs. Adair, Anderson, Baldwin, Bayard, Bradley, Condit, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Logan, Maclay, Moore, Pickering, Smith of New York, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Tracy, Turner, White, and Worthington.

So the bill was lost.

MONDAY, March 10.

Mr. LOGAN presented the memorial of Philip Nicklin and Robert Eaglesfield Griffith, stating, that, in the year 1797, they, with divers other merchants of Philadelphia, were owners of the ship New Jersey and her cargo, in a joint adventure from the port of Philadelphia to Canton, in China. That, on her return home, the said ship and cargo were captured by a French privateer, and condemned in Hispaniola in the Island of St. Domingo. From which decree of condemnation appeal was duly entered; but that, in prosecuting the said appeal, their hopes of restitution "were blighted by a fatal interposition of General Armstrong, the Minister Plenipotentiary of the United States at Paris;" and that they therefore "confidently believe that they shall not be disappointed in their expectations of indemnity from the virtuous and liberal Government which employed him;" and the memorial was read.

The PRESIDENT laid before the Senate, from the Secretary for the Department of the Treasury, a statement of the emoluments of the officers employed in the collection of the customs for the year 1805; which was read, and ordered to lie for consideration.

Mr. BAYARD, from the committee to whom was referred, on the 28th of February last, the bill for the protection and indemnification of American seamen, reported, as their opinion, that it is advisable to postpone to the next session of Congress the further consideration of the bill, in order to afford an opportunity for further negotiation of the subject; and the report was adopted.

Mr. TRACY, from the committee to whom was referred, on the 11th of February last, the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," reported amendments; which were read, and ordered to lie for consideration.

Mr. TRACY, from the committee to whom was referred, on the 21st of February last, the bill, entitled "An act to incorporate the Trustees of the Presbyterian Congregation of Georgetown," reported it without amendment.

The bill entitled "An act for establishing rules and articles for the government of the armies of the United States," was read the third time; and after progress, the further consideration thereof was postponed.

BRITISH AGGRESSIONS.

The Senate resumed the consideration of the third resolution reported by the committee, on the 5th of February last, to whom was referred that part of the Message of the President of the United States, at the opening of the session, which relates to the spoliations of our commerce.

Mr. S. SMITH.—Mr. President: The subject now before the Senate is, the third resolution reported by your committee on that part of the Message which relates to British spoliations. The first resolution is a declaration of our neutral rights, and has passed the Senate unanimously. The second requests the President to send a special mission to Great Britain, to demand restoration of property unlawfully taken from our merchants, and, by a peaceful arrangement, to adjust all differences subsisting between that nation and the United States. The third is now before us. I will take leave to read it.

3. *Resolved*, That it is expedient to prohibit, by law, the importation into the United States of any of the following goods, wares, or merchandise, being the growth, produce, or manufactures of the United Kingdoms of Great Britain and Ireland, or the dependencies thereof, that is to say: woollens, linens, hats, nails, looking-glasses, rum, hardwares, slate, salt, coal, boots, shoes, ribbons, silks, and plated and glass wares. The said prohibition to commence from the —— day of ——, unless, previously thereto, equitable arrangements shall be made between the two Governments, on the differences subsisting between them; and to continue until such arrangements shall be agreed upon and settled.

This resolution is intended, Mr. President, to afford aid to the negotiation recommended in the second. Without this aid, or something similar, I doubt whether Great Britain would not calculate, as heretofore, on an indecisive character in our Government—on its indisposition to lend any aid or protection to commerce; and reasoning thus, whether her Minister might not be induced to believe that he could proceed in safety to the destruction of every part of our commerce with her enemies and their dependencies. This measure, Mr. President, is called a war measure. Is it so? If it is, then does Great Britain maintain a constant war measure against the United States, for she, at at all times, prohibits the importation, into her ports, of every article manufactured within our country. She even prohibits our provisions from being consumed in her kingdoms, except when her wants compel her to admit them. If, then, she has set us the example, and has, by her laws, prohibited every article of our manufacture from being admitted into her kingdoms, how can our prohibiting a part of her manufactures from being imported into the United States, be considered as a war measure? This measure is not intended to take effect immediately. The first of November next is contemplated; which will give full time for negotiation, and for Great Britain to reflect on her cruel and unprovoked conduct towards us—a conduct that has been highly reprobated in England—a conduct, that, when examined, has but too much the appearance of a determination to benefit by the plunder of our property, without the authority of law, and directly contrary to the public sanction given to our neutral trade in a correspondence held between Lord Hawkesbury and Mr. King, in 1801.

Some gentlemen, anxious to defeat this measure, are attempting to create a difference between the agricultural and commercial interest. Such conduct is unworthy of the statesman. The one is absolutely necessary to the other. I will not, Mr. President, discuss a subject so self-evident. I will only remark, that, should this proposition prevail, it will be more severely felt by the merchant than the farmer. The latter can live within his own means; the merchant depends upon his commerce for support; and on this ground, I had expected that the opposition would, and might, with some reason, be given. I believe, however, that the merchants of our country will never be found less ready to make sacrifices for the general good, than their fellow-citizens. Gentlemen call the trade pursued by our merchants a carrying trade. This is not correct. There is a wide difference between the carrying trade and our neutral commerce. The carrying trade is, when ships are employed in carrying, for a freight, the property of others. In this trade the Dutch were engaged in carrying the produce of the French colonies to the mother country, in 1756, on account of the French planter and merchant, in which they were certainly sanctioned by their existing treaty with Great Britain, which fully stipulated their right to be carriers in such case. The British, however, seized their ships. The neutral trade, is that which we pursue, to wit: our ships are laden, for our own account, in the French, Spanish, and Dutch colonies, in which no foreigner has any concern. This is the trade which we claim as a right, in time of war as well as peace, when permitted by the nations to which such colonies belong. If any of our ships are found carrying the property of the enemies of Great Britain, let them be punished, we mean not to defend them.

A firm friendship on the part of the United States, is desirable with all nations—with none more than with Great Britain. We can be mutually useful to each other. Our usefulness to her is self-evident. Her friendship to us would tend greatly to our happiness and peace as a nation, and could in no manner operate to her injury. A mutual good understanding appears to me so necessary to Great Britain, that no trifling consideration ought to induce her to disturb it. Permit me to inquire what are the benefits which result to that nation from our commerce? I have before me the report of the Secretary of the Treasury,

calculated on an average of three years, by which I observe that the United States import annually from all the world, to the amount of seventy-five millions of dollars, of which thirty-six millions are imported from Great Britain and her dependencies; twenty-seven millions four hundred thousand dollars thereof being actually of the articles manufactured in Great Britain. Of the seventy-five millions, (our total imports,) twenty-eight millions are articles re-exported, so that the true amount of importation, for our own consumption, can only be estimated at forty-seven millions. Of this forty-seven millions I am convinced, from the Secretary's report, that at least thirty-millions are imported from Great Britain and her dependencies, and consumed by our citizens. The total amount of exports of the native products of the United States is near forty millions of dollars, of which twenty millions of dollars are exported to Great Britain and her dominions. Out of this sum not more than fifteen millions of dollars can be considered as a regular export for the use of Great Britain and her colonies. For instance, the report of the Secretary states the value of tobacco exported to Great Britain, on the average of three years, at three million two hundred and twenty thousand dollars, when, I believe, it will be admitted that not more than fourteen thousand hogsheads are estimated as her annual consumption. Ships laden with tobacco, although they clear out for England, in many instances only call there for orders, and proceed to the ports on the continent for the sale of their cargoes. Provisions, which can only be admitted into Great Britain in times of real scarcity, cannot be considered as an export to her which may at all times be calculated upon. Their amount in the Secretary's report, is stated at two millions one hundred and sixty thousand. On this subject I will make one other observation. It is this: that our exports are estimated at their present prices. On a return of peace those prices cannot be expected, whereas the price of the goods imported will continue at least as high as they now are. From this view of the subject, and I believe it correct, it will appear that the United States import from Great Britain and her possessions, nearly one-half the amount of her total imports, near two-thirds of all that we import for our own use and consumption, and that Great Britain and her dependencies do not consume of our products more than one-half of the amount of what we import from her. By the same report it will be seen that Great Britain exports to the United States of her manufactures twenty-seven millions four hundred thousand dollars, and consumes only nine millions independent of her colonies; and deducting, as before stated, for tobacco not used, and provisions only admitted in times of scarcity. To make up the balance which we are thus indebted to Great Britain, our merchants are compelled to exercise their talents and their enterprise in seeking other markets; in doing which, in a fair and legal manner, and as sanctioned by Great Britain in 1801, their ships have been met by the British cruisers, carried into port and condemned, under the pretext of new principles, heretofore unknown to them. And yet, Mr. President, with all their industry the balance of trade appears by the Secretary's report to be against the United States. The Secretary has assigned sound reasons to show how this deficiency stated by him, of seven millions against the United States, may be accounted for. He might have added, that the plunder committed on us by the belligerents had essentially contributed to create that balance. He might, with truth, have said, that the seizure and unlawful condemnation of the ships and cargoes of citizens of the United States by the Powers at war, had added at least six millions of dollars, in the three years, towards creating that heavy apparent balance of trade against our country. But for those depredations, the balance would certainly have been much less. But, Mr. President, are those the only advantages arising from our trade to Great Britain? No, sir; almost all our money negotiations go through her merchants. The proceeds of a great part of the cargoes shipped from the United States to other countries are ordered to Great Britain, and either go to pay our debts there, or are drawn from thence by bills of exchange, thus giving to Great Britain a great source of wealth and employment. Mr. President, we are in truth more useful to her than if we were again her colonies, for she enjoys almost all the benefits resulting from our commerce, and incurs no expense in our protection. From Cock's statement, it appears that America imports from Great Britain one-quarter of the manufactures which she exports. For all these advantages, Mr. President, and surely they are important, what return do we receive? We ought to expect that which would be favorable. We receive the reverse. How Great Britain conducts herself towards us shall be a part of my present inquiry.

Pending the last war between Great Britain and France, the latter ordered her cruisers to seize all goods, the manufactures of Great Britain, found on board the ships of neutrals. Great Britain made this a pretext for levying a convoy duty of one half per cent. on goods exported from Great Britain to the nations of Europe, and one per cent. on similar goods when exported to the United States. We asked not their convoy, and seldom accepted it. If convoys however were given and accepted, there was some reason why we should pay double as much as was paid by the Europeans, because the voyage was twice as long. We had every reason to expect that we should be relieved from this imposition on a peace. We were disappointed. In 1802, the year of peace, it was changed by act of Parliament from a convoy duty, to a duty of exports, and thus was imposed upon us without any assignable reason double the duty payable by any other nation. Great Britain, finding that we tamely submitted to this injury, did in 1803, by an act of Parliament, levy a new duty on exports, in which she imposed on her goods exported to Europe a duty of one per cent., and on goods exported to the United States three per cent. By the first act we are charged double the duty paid by other nations, and by the second

we are compelled to pay three times the amount of duty paid by other Powers. It appears, by the report of the Secretary of State now before me, this tax raised a revenue from the United States of $532,727. I had stated on a former occasion that it amounted to a much greater sum; but I had calculated that the duty had been charged on every article exported. The Secretary's report says, it is not, and yet I do believe that our merchants pay on the amount of their invoices. On this subject I may be mistaken, and therefore take the Secretary's report for my guide. It may here be proper to remark that Ireland remonstrated against this export duty, and it was immediately taken off her linen. Ireland will complain loudly if you pass this resolution, and she will be heard.

On whom, Mr. President, does this half million fall? Not on the merchant. No, sir; he puts it on the goods and adds a reasonable profit thereto. The people of the United States are thus taxed to an amount that would have caused a revolt, had Great Britain imposed it when we were Colonies.

Independent—we fold our arms and tamely submit. Had no new grievances occurred, I intended to have proposed, at this session, the very measure now before the Senate, and therefore did call at the last session for the reports of the Secretaries of State and Treasury, which I have referred to. This uawarrantable conduct I had considered of itself sufficient to induce a recrimination, similar to the resolution now under consideration. But to this, Great Britain has added other and more serious injuries, such as we have declared in our first resolution to be a "violation of our neutral rights and an encroachment on our national independence." She has assumed the principle that neutrals have no right to a trade with her enemies in times of war, not permitted to them in times of peace. The Senate have unanimously declared that this principle is unjust and contrary to the law of nations. I have therefore no occasion to go into the consideration of this novel doctrine; it may however be proper to state some facts. In 1801, a decision was had in an inferior court, bottomed on this doctrine; an appeal to the superior court brought the case to the knowledge of our Minister, Mr. King; he immediately remonstrated against it, and after discussion, it was admitted that it was not lawful to carry the doctrine to the extent claimed. Such was the written opinion of the Attorney General of Great Britain. In that opinion it was emphatically stated that neutrals were authorized to trade freely from their own country to a belligerent's colony, (although such trade was not permitted in time of peace,) and from such colony back to such neutral country, where the goods must be landed and the duties paid, or secured to be paid, agreeably to law; that this act neutralized the property, and the goods might be re-shipped in the same vessel in which they were imported, or in any other ship, to any country. This opinion of the Attorney General was considered by the merchants of the United States as if it had been the act of a convention between the two nations. It was their polar star, by which they conducted their commerce and regulated their conduct.

A year of peace, 1802, ensued. On the recommencement of hostilities in 1803, orders were issued to the commanders of the British ships of war, varying from those under which they had acted in 1801, unknown to our merchants—perhaps not understood by the officers to whom they were directed—and not put in execution for two years—which authorized the capture of our vessels, although trading in exact conformity with the opinion of the British Attorney General, delivered in 1801, and under the sanction whereof, our ships were, as was conceived, navigating the seas in perfect security. What shall we call such conduct? May we not say that it was conduct wholly unworthy of a great and powerful nation? Is it such conduct as can be approved by a people so just as the people of Great Britain? No sir! It has been reprobated in England in terms so strong, and language so just and proper, that it probably alarmed the Government. The book I hold in my hand, called "War in Disguise," was published immediately—a book, Mr. President, eminently calculated to seduce and deceive the good people of England—a book written in a style so seductive, that you are hurried along, and have scarcely time to examine or detect the misstatements it contains. It addresses itself to the prejudices and feelings of the English nation, and may have had its effect there. Nay, even here I find some gentlemen have taken for truths, assumed facts, and have attended, perhaps too much, without examining the facts, to the reasoning adduced therefrom. And yet, Mr. President, the American reader has full warning, for, in the thirty-seventh page, we are gravely told, that, the "frugal citi-'zens of America make molasses, for the most 'part, their substitute for sugar, and have learned, 'from habit, to prefer it to the more costly arti-'cle." A story so palpably false and foolish, ought to induce the reader to be cautious of placing much confidence in other assertions of the writer, especially where those assertions are calculated to injure the interest and honor of our country. The writer appears to have believed that our revenue laws, and those of Great Britain, were similar; and he has drawn his arguments, of course, from false premises. In page fifty-nine, he says: "On the arrival of a cargo destined for exporta-'tion, they were allowed to land the goods, and 'even put them in private warehouses, without 'paying any part of the duties, and without any 'farther trouble than that of giving a bond, with 'condition, that, if the goods should not be re-ex-'ported, the duties should be paid." Now, sir, everybody knows this to be misstated. In England the merchant can enter his goods for exportation, and land the same; in the United States he cannot. If landed at all, they must pay, or secure the payment of, the duties, in the same manner as all importations are conducted. There are not two modes of entering goods that are to be landed in the United States.

In page sixty-one, the writer in the case of the Essex, Orne, says: "In this case was found an

'affidavit of the owner stating that the goods had 'been laden on board from stores in Salem, and 'that the duties were paid, or secured, according 'to law. Yet it afterwards appeared, on his own 'admission, that he had only given the usual bond 'on the entry of the cargo from Barcelona, which, 'we have seen, is a security to re-export, rather 'than to pay duties on the cargo, and which had 'accordingly been cancelled on the re-exportation.' No sir! we have seen no such thing. No such bond could be taken under our laws. No such bond, I will venture to assert, has ever been taken, and this the writer might have known, for a certified extract of our law, on that particular case, of our practice under the law, was sent from the Department of State to Great Britain, to meet this very case. In page sixty-two, he proceeds with the same error, thus: "When it was found 'that the duties had been secured, not in a way 'applicable to goods meant to be sold in America, 'but in a mode devised for the special convenience of importers intending re-exportation, the 'suspicion that the claimant originally meant to 'continue the voyage, as he eventually did, was 'obviously strengthened, if not absolutely confirmed." It is not true, Mr. President, that any new mode had been devised for the special convenience of importers intending a re-exportation. The mode practised now, is the same that has been invariably practised in the custom-houses. I never have known any other. I will state the practice, under the laws, for the information of gentlemen who may not have turned their attention to the subject: On the arrival of a vessel in any of the ports of the United States, the master presents himself at the custom-house, and delivers to the collector a manifest of the cargo. In that manifest, if the cargo is intended for re-exportation, it is so declared; in which case, an inspector remains on board such vessel until she departs; no part of the cargo, so declared for exportation, can be landed; no bond for duties is taken, nor any other bond, except one conditioned that no part of such cargo shall be landed within the United States. Few vessels make use, (in times of war,) of this privilege, except those which come from a neutral country, or from the possessions of Great Britain. Those merchants who are acquainted with the British system, and whose vessels arrive in our ports from the country of an enemy of Great Britain, always discharge their cargoes; secure, or pay the duty, and sell, or reship the same, agreeably to our laws. Their own interest compels them to it; for, if they do not discharge such cargoes, they cannot procure insurance under three, four, or five times the usual premium. Of course, no man would be so devoid of common sense as to pay thousands of dollars for insurance, when the same number of hundreds would pay all expenses of landing, and the transit duty of three and a half per cent. on the amount of duty to the United States. It is, therefore, idle to suppose, (as charged by this writer, and as believed by the ignorant,) that any evasions in this way would be attempted. The merchant understands his interest too well to commit such an act of folly. I think it, however, not improbable that a few vessels that had sailed in the year of peace, 1802, and returned in 1803, might have proceeded to Europe without landing their cargoes. But, Mr. President, when a cargo arrives which is intended for sale, or to be landed for any other purpose, there is but one mode of acting. The owner enters his goods at the custom-house, and gives bond with sufficient security, or pays the duties agreeably to law, and puts the goods into his own stores. If he sells them to a person who means to export, or intends to export them himself, a declaration thereof is made at the custom-house, and the goods are shipped under the inspection of the proper officers. When on board, the owner and master give bond that such goods shall not be relanded within the United States, which bond is cancelled on certificates being produced from our consul, at the port of delivery, that such cargo has been landed in such port. Debentures for drawback of duties on goods so exported are granted by the collector, made payable on the same days on which the bonds given for the duty inward shall become due, which debentures are transferable, but are not payable until the bonds on which they are issued shall be paid. This has been our uniform law and practice, and not made, for a convenience, to answer present purposes. The writer of "War in Disguise," as already observed, has taken his premises from English law, and not from our laws; he has, therefore, reasoned on false premises, has probably deceived himself, and certainly has deceived others. The book, Mr. President, is filled with misstatements of our laws and practises under them; but I cannot presume on the patience of the Senate to take up their time in detecting every error. The writer has assumed for fact, that there must be a great deal of Dutch, French, and Spanish property collusively covered by the American merchants; for he says: "Where can America 'have found a capital, or credit, adequate to the 'vast magnitude of her present investments? By 'what means could these new merchants of the 'United States be able to purchase all the costly 'exports of the Spanish colonies?" &c., &c. Nay, Mr. President, I have heard a gentleman in another body triumphantly ask: "Where have these merchants found capital to carry on the trade of the world?" Mr. President, a stranger travelling in South Carolina and Georgia, might with equal propriety ask: "Whence has arisen the immense wealth I now see?" But a few years past, and your planters were not more rich than their neighbors. Now they abound in wealth. The answer would be easy. We have adopted a new article of agriculture; our climate and soil is found proper for cotton; we cultivate that valuable article, and it has yielded great profit. The merchant has his answer as ready, to wit: There has been a war of more than twelve years in Europe; our country has been neutral, which has given us new seas to navigate, and new sources of commerce to pursue. We have pursued them with effect, and our capital has kept pace with our views, thus extended by our peculiarly fortunate situation. But,

sir, how is our commerce carried on? Whence our means? It is conducted, Mr. President, with few exceptions, not more than a drop in the ocean, by American citizens, for their account only, and not on account of foreigners. In addition to the capital of the merchants, there is a bank capital in the United States of at least fifty millions of dollars, very little of which is owned by the active and enterprising merchants, from which they derive great advantages. But, sir, this trade to the Spanish and French colonies in the West Indies, and on the Main, is carried on with very little American capital. The German merchants export to the United States annually, to the amount of seven millions, in goods peculiarly adapted to the trade and taste of the colonies of Spain and France. Those goods are generally sold at six months' and at eight months' credit. Cargoes proper for those markets are made up principally of such goods, assorted with large quantities of British manufactures, purchased at a similar credit; some claret, flour, and salted provisions. The returns for such cargoes are made in sugar and coffee, which may fairly be expected to arrive in three, four, or five months; of course in full time to meet the payment of the goods purchased on a credit. It will be seen, Mr. President, by this view, and it is correct, that the West India trade may be, and in most cases actually is, carried on, with very little of the active capital of our merchants. The trade to the Isle of France is carried on also, in part, by a credit obtained on English goods, which are found to have answered that market. I have known one cargo go to that island, of British manufactures, which cost in London £10,000, and which was sold immediately. Cargoes of such goods, assorted with flour, salted provisions, French wines, and some specie, enable your merchants to bring back cargoes of coffee in time to meet the payment of goods bought on credit, and therefore does not require all the capital that might be supposed by those who are unacquainted with the commerce. The trade to Batavia is carried on with British goods, to a considerable amount, obtained also on long credit; flour, wines, opium, bar-iron, coal, and dollars. This trade, which has been considerable, does require active capital, which those merchants employed in it are well known to be sufficiently wealthy to supply. I do not believe that one dollar of Dutch, Spanish, or French capital is employed therein. Our commerce to Mocha, Muscat, China, and other native countries in the East, requires capital. But, Mr. President, to what does this trade amount, for the conducting of which, it is asserted at home and abroad, the American merchants cannot find capital? Why, sir, only twenty-eight millions of dollars! Let gentlemen judge for themselves. I pray them to look at the Treasury report. It will be there seen that our exports to all parts of the world is sixty-eight millions; of which amount, twenty-eight millions only are articles of foreign produce and manufacture. It is then twenty-eight millions of commerce beyond our own produce and consumption, that we are asked, "Where do these merchants find capital to carry on?" Gracious God! Mr. President, where can that man have lived in America who would ask such a question? Let gentlemen look at the report of the tonnage of the United States now laid on your table; they will find (with a small addition for unregistered vessels, not included,) that the citizens of the United States own 1,200,000 tons of shipping. Allow each ton to be worth fifty dollars, (and this is less than the value,) and the vessels of the United States may be estimated at sixty millions of dollars. Admit that each owner has only capital equal to the value of his ship, (and surely no person will deny us this,) and there would be active capital in the hands of the American ship-owners alone, nearly equal to the whole amount of the annual export trade of the United States, without the aid of the fifty millions of bank capital, or the other facilities that I have mentioned. The truth is, Mr. President, that where there is collusive trade, it will be found almost invariably to be for the account of British subjects, and not for the account of their enemies; but unimportant in either case—the amount not worth mentioning. The charge of Americans covering of property is a mere pretext, made by the British, for condemning our vessels. From this view of our commerce, it will be seen that our merchants vend large quantities of the manufactures of Great Britain to her enemies—I believe to the amount of four millions—and they receive in payment coffee and sugar; that in the transportation thereof to Europe, to raise the means to pay for those very goods, she authorizes the seizure thereof by her cruisers, and thus plunders our merchants whilst in a trade declared fair and lawful by her own Government in 1801.

Suppose, Mr. President, that we should submit to this new principle of Great Britain, will not France assume the same? It must certainly be expected. Great Britain does not, in times of peace, permit American vessels to trade to her West India islands. France may say, as Britain does: "Nor will I permit it in time of war!" What would be the consequence? We should be prevented from supplying the British islands with our produce to the annual amount of six millions of dollars. Great Britain would lose the sale of their rum to us, to the amount of $2,440,000, and her colonies would suffer greatly for the want of a regular and cheap supply. I am confident, sir, that Great Britain would suffer more, were both nations to enforce this new principle, than France. The latter has but two small islands to supply; England has all her own vast possessions, and all the important Dutch colonies, which they would have to provide for, if our cheap and easy manner of supplying them was prevented.

But, sir, it is asked, what advantage is this neutral trade to the nation? It gives, Mr. President, employment to an immense number of vessels, it employs a large capital, it gives wealth, (of course, strength,) to the nation, and it gives $850,000 of a net revenue to the Treasury, as stated by the Secretary—being the only part of our revenue system which is not paid by the people of the United States. They pay no part thereof. For

myself, I am convinced that the neutral trade of the United States pays one and a half millions into the Treasury, and this, I verily believe, will be proved by the difference of revenue on the return of peace, when other nations can trade as well as we can.

I have, Mr. President, thus taken a short view of the injuries offered to the United States in the unjust seizure of their property by order of the Government of Great Britain, and in the imposition of higher duties on goods exported by her to the United States than those imposed on similar goods exported to other nations. I have not taken notice of the outrageous insults committed by the officers of that Government on our national independence, by the impressing of our seamen into their navy, because that subject has already been ably discussed in the Senate during the present session. I cannot, however, forbear to observe, that even the author of "War in Disguise," (written, as it is believed, under the eye of the British Minister,) is compelled again to have recourse to British law to palliate this violent aggression on the liberty of our citizens, which he imposes on the English for the law of the United States. Every American will detect the error. Speaking of British seamen in American employ, he says "but 'when and how have these sailors become Ameri-'cans? By engaging in her service during the 'last and present war, and sometimes by obtaining 'that formal naturalization, which is gratuitously 'given, after they have sailed two years from an 'American port." A misstatement so gross, so devoid of fact, could deceive no American; it might an English reader; for "a foreign sailor 'serving two years on board a British ship of war, 'becomes from that service a denizen of Great 'Britain." Not so in the United States; a foreign sailor can become a citizen of the United States in no other way than any other alien can. The trouble and difficulty of obtaining the rights of citizenship is such, that I verily believe there never has been ten foreign sailors naturalized within the United States. I do not mean to include herein such foreigners as have become officers in our merchant or naval service.

But why, it may be asked, does Great Britain pursue a system apparently so injurious to her true interest, and so hostile to ours? The answer may be found, Mr. President, in the same book, page 71. "They (Americans) supplant or 'rival the British merchant throughout the conti-'nent of Europe, and in all the markets of the 'Mediterranean; they supplant even the manu-'factures of Manchester, Birmingham, and York-'shire; for the looms and forges of Germany are 'rivalling us by the ample supplies by the neutral '(meaning American) flag to every part of the New 'World." Here, Mr. President, is shown the true cause of our growing prosperity. Great Britain looks with a jealous, envious eye at our increased and increasing commerce; at the immense commercial tonnage of the United States. It is seen that we have capital equal to our trade, and that we have superior enterprise, and intelligence not inferior to their merchants. Yes, sir, we do supplant (not rival) the British merchant everywhere where we can can meet him on equal terms. Yes, sir, we have set the looms of Germany to work, and with their labor do we supply the New World. Pass this resolution, Mr. President, and the looms of Germany will be continued in motion after a peace. Let the Irish nation consider the effect. Let the manufacturers of Great Britain look well to the consequence of our once being diverted from the consumption of their goods. We may never again return. Let the West India planter look to our consumption of his rum to the amount, annually, of $2,440,000, and let him recollect that French brandy will answer every purpose.

Already, Mr. President, I am sensible that I have taken up too much of the time of the Senate. The importance of the subject, will, I hope, induce gentlemen to continue their further attention, whilst I shall proceed to consider the operation of the resolution on our nation as well as on Great Britain. I am free to confess that this resolution does not go the length I was prepared to go; however, I have been induced, by the reasoning of gentlemen, to confine the prohibition to such goods as could be obtained in other countries, or in our own, on terms nearly as cheap as those we now get them at from Great Britain. The argument used, that we ought to adopt no system that we could not, without injury to ourselves, perpetually maintain, had its influence on my mind, and probably will have a proper effect on Great Britain. It ought to have, for she well knows the difficulty of drawing back a commerce after it has taken another course.

The first article in the resolution now under consideration, and the importation whereof from Great Britain is proposed to be prohibited, is

Woollens—On this article I shall make no other remark than that fine cloths can be procured in France as cheap as they can now be purchased in London. Perhaps gentlemen may not be willing to prohibit the importation of coarse woollens; if they should not, I will not oppose their wishes; the quantity required of coarse woollens could not easily, I believe, be procured on the continent. In many of the States the wants of the people would be supplied by their own industry.

Linens—This important article can be procured in Germany as cheap as in Ireland. The British Government, it is true, give aid to that manufacture by a bounty on export of one penny halfpenny sterling for every yard under the cost of eighteen pence sterling, which make them come on terms something better to the consumer, but not much. It is our taste, it is the habit we have been in, of wearing Irish linens, that induces a preference. Other nations prefer German linens. So shall we, when, by this resolution, we are compelled to make use of them. A short time to make the trial, and our taste may induce a continuance even after just arrangements shall be made with Great Britain. Already a preference is given to German fine linens by those who wear them. No other nation except the British and

American, purchase Irish linens; all others prefer the German and French linens. If you pass this resolution, her best customer is lost to Ireland, perhaps forever. I pray gentlemen to recollect what I have already stated, to wit: That Ireland, sensible that the four per cent. export duty laid on British goods to the United States, would be highly injurious to her, remonstrated against it as destructive of their interest, as an inducement which they feared, and with justice, would divert the Americans from the use of their linens. What was the consequence? An immediate repeal of that duty, so far as it related to linens. Will their remonstrance be less strong when they find we have prohibited their importation altogether? Will they be less heard or attended to? Yes, sir, they will be heard, especially when they can say that this evil is brought on them by an act of injustice on the part of the British Government towards us; and they will ably contribute their aid to obtain for us justice, agreeably to the well known laws of nations.

Rum—This expensive and destructive article is consumed by the English and the citizens of the United States only. If the West India planters lose our custom, they cannot find purchasers elsewhere. We consume of that article, annually, to the amount of $2,444,000. This enables the planter to pay for his provisions for his family and his slaves. Cut off this fund from him, and he will severely feel the loss. I consider this article among the most important proposed; it will cause that valuable class of people, the British colonists, to inquire into the cause; they will find that we have been cruelly oppressed, our property unjustly seized, and they will join their complaints to those of Ireland; they must be heard; yes, Mr. President, they will be heard, when they tell the Minister that French brandy will soon supply the place of their rum; that when the Americans have once taken a taste for French brandy, they never may, and probably never will, return to the use of their rum. But, it is said, that our revenue will suffer by prohibiting the importation of this article. Not one dollar, Mr. President. The law will not take effect until November, and the revenue could not thereby be affected until May, 1807, when the last bonds for duties thereon would become due, before which time brandies from France, Spain, and Italy, would be imported to meet the full amount of duties that might have been raised on rum, if the importation had continued. The brandy of France and Italy would be paid for by our tobacco, flour, and rice; that of Spain by the two latter articles.

Hardware—This article, as suited to our taste, we can procure in no other country than Great Britain. It was supposed, by our committee, that there were sufficient in the country for two years' consumption—before which time a general peace would probably be made.

Hats, nails, glassware, boots and shoes, can be, or already are, made in quantities nearly sufficient for our own consumption; with this encouragement, our own manufacturers will be found equal to all our wants. Nay, we do now export hats, boots, and shoes.

Coal and slate are in great abundance in our own country.

Looking-glasses, ribbons, and silks of all kinds, can be obtained cheaper in France, China, and Italy, than in England; yet, such has been our predilection for British goods, such is the strength of habit, that we have, notwithstanding, gone to England for those goods. This resolution will break the charm, and we shall probably never return there for such goods.

Salt—This is an article highly important, as it respects Great Britain. We import thereof from her dominions, annually, to the value of $462,392, being 2,111,401 bushels. To lose our custom on this highly important article, would be severely felt by Great Britain. By us it would not be felt to any extent, for we should easily replace that quantity from Lisbon, Cadiz, and other parts of Spain, with salt, as I am informed by my learned friend from New York, more wholesome, and certainly much better for all purposes.

Let not gentlemen fear a loss of revenue. I have taken a view of that subject, and am confident the loss will be trifling; it will never be felt. I take leave to submit the following view of this subject:

The duty paid annually on the following articles imported from Great Britain and her dependencies, are—

On linens	$21,429
Rum	1,100,000
Salt	400,000
Coal	20,000
Nails	70,000
Boots and shoes	10,000
	1,621,429
Woollens and the other articles, of which the precise amount of duty cannot be obtained; I presume they might amount to	300,000
	1,921,429

This amount may, and certainly will, be met by the following substitutes, to wit:

Duty on linens from Germany	$21,429
Duty on brandy from Spain, France, and Italy	1,100,000
Duty on salt from Portugal, Spain, Italy, and Cape de Verd Islands	400,000
Duty on silks, fine woollens, ribbons, and looking-glasses, from France, Italy, China, and Spain	100,000
	1,621,429
Probable loss of duties	300,000
	1,921,429

If it should be the opinion of the Senate, that the importation of coarse woollens and hardwares shall not be prohibited, then I do not believe there

will be one dollar loss of revenue, if the resolution should pass.

But, Mr. President, no deficiency can be felt in any case prior to the Summer and Autumn of 1807, even if a total prohibition of all importations was intended. I pray gentlemen to attend to this subject. The Spring importation will arrive in a few weeks; of course no effect can be had on that. The goods for the Autumn are now preparing in England; they will come at the usual time; the bonds taken for the duties thereon, will be payable in eight, ten, and twelve months; of course, as usual, in the months of June, August, and October, 1807. Something decisive must happpen before that period; a negotiation will certainly commence, and, if gentlemen choose, a power may be given in the bill to the President to suspend its operation, if it shall appear to him that the British Government are disposed to enter into an equitable arrangement of all disputes between the two nations.

I have thus endeavored, Mr. President (and I hope I have succeeded) to show that the measure proposed is not a war measure; that if carried into effect, it is capable of materially affecting the interest of Great Britain without injuring ourselves; that our revenue will not be affected thereby to any considerable amount; that we have justice on our side; and that the conduct of Great Britain has been unjust and cruel towards the United States. If any gentleman should still doubt as to the law of nations being against the doctrine of Great Britain in the dispute in question, I pray him to read the book laid on our table, to wit: "An Examination of the British Doc-' trine which subjects to capture a neutral trade, ' not open in time of peace." A book, Mr. President, written to the understanding, not to the passions, stating incontrovertible facts, on which to form the judgment; a book that will, I have no doubt, be translated into the languages of all the maritime Powers; and will, hereafter, be quoted as containing truths that may be relied upon.

The consideration of the resolution was further postponed.

TUESDAY, March 11.

The bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, was read the second time.

The Senate took into consideration, as in Committee of the Whole, the amendments reported on the 4th instant, to the bill, entitled "An act supplementary to the act, entitled 'An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia;" and after progress, the bill was committed to Messrs. BRADLEY, TRACY, and BALDWIN, to consider and report thereon.

The Senate resumed the third reading of the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States;" and the bill having been further amended,

Resolved, That this bill pass as amended.

The bill, entitled "An act prohibiting for a limited time, the exportation of arms and ammunition from the United States and the territories thereof," was read the third time; and on the question, Shall this bill pass? it was determined in the negative. So the bill was lost.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act declaring the consent of Congress to 'An act of the State of South Carolina, passed the 21st day of December, 1804, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports.

WEDNESDAY, March 12.

The Senate took into consideration the motion made on the 6th instant, for the location of a tract of land in the Territory of Orleans, to be given as a bounty to actual settlers, who shall be liable to be called into service for the defence of said Territory.

Ordered, That it be referred to Messrs. WORTHINGTON, ANDERSON, ADAIR, BRADLEY, and SMITH, of Maryland, to consider and report thereon by bill or otherwise.

A motion was made,

"That a committee be appointed, to join with such committee as the House of Representatives may appoint on their part, to consider and report what business is necessary to be done by Congress in the present session."

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed the 21st day of December, 1804, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports."

Ordered, That this bill pass to the third reading.

The Senate took into consideration, as in Committee of the Whole, the bill, entitled "An act to amend an act, entitled 'An act concerning the library for the use of both Houses of Congress;" and the bill was ordered to the third reading.

The Senate took into consideration the amendments reported by the committee to the bill, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives," as in Committee of the Whole; and having agreed thereto, the bill was reported to the House accordingly.

Ordered, That the bill pass to the third reading as amended.

THURSDAY, March 13.

The Senate took into consideration the motion made yesterday, "That a committee be appointed, to join such committee as the House of Representatives may appoint on their part, to consider and report what business is necessary to be done by Congress in the present session; and the mo-

tion having been adopted, Messrs. WORTHINGTON and BALDWIN were appointed the committee on the part of the Senate.

Mr. ANDERSON, from the committee to whom was referred, on the 10th of January last, the motion for a revision of the rules for conducting business in the Senate, made report; which was read, and ordered to lie for consideration.

The Senate resumed, as in Committee of the Whole, the bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same; and having amended the bill, it was reported to the House accordingly.

FRIDAY, March 14.

The Senate resumed the second reading of the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; and the bill was ordered to a third reading.

The Senate resumed the second reading of the bill to incorporate a National Academy; and it was ordered to a third reading.

Mr. ANDERSON presented the petition of Gilbert C. Russel, a captain in the militia of the State of Tennessee, stating that he was ordered to proceed thence to the Natchez, in the year 1803; and that, in pursuance of this order, he, together with the company under his command, performed divers military services; and that he, moreover, in that service, made considerable pecuniary disbursements, for all which he prays compensation; and the petition was read, and referred to the Secretary for the Department of War to consider and report thereon.

The bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine called the Henrick, and her cargo," was read the third time.

Ordered, That the further consideration of this bill be the order of the day for Tuesday next.

The bill, entitled "An act for the relief of Peter Landais," was read the third time; and, on motion to strike out the word "six," and in lieu thereof to insert the word "three," thereby to reduce the sum proposed for his relief to three thousand dollars, it passed in the negative.

On motion, by one of the majority, it was agreed to reconsider the last vote, and to strike out the word "six."

On motion, to fill the blank with the word "five," it passed in the negative; and, on motion, it was agreed to fill the blank with the word "four."

On the question, shall the bill pass as amended? it was determined in the affirmative—yeas 19, nays 10, as follows:

YEAS—Messrs. Adair, Adams, Anderson, Bayard, Condit, Gilman, Howland, Kitchel, Maclay, Mitchill, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Thruston, Turner, White, Worthington, and Wright.

NAYS—Messrs. Baldwin, Bradley, Gaillard, Hillhouse, Moore, Pickering, Plumer, Smith of New York. Sumter, and Tracy.

So it was *Resolved*, That this bill pass as amended.

The bill, entitled "An act to amend an act, entitled 'An act concerning the library for the use of both Houses of Congress," was read the third time; and, on the question, Shall this bill pass? it was determined in the negative. So the bill was lost.

The bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, was read the third time, and further amended.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 25, nays 2, as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Condit, Gaillard, Gilman, Hillhouse, Howland, Kitchel, Maclay, Mitchill, Moore, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Sumter, Tracy, Worthington, and Wright.

NAYS—Messrs. Stone and Turner.

So it was *Resolved*, That this bill do pass, that it be engrossed; and that the title thereof be, "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

The bill, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed the 21st day of December, 1804, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports," was read the third time, and the further consideration thereof postponed.

The bill to explain the fifth section of an act, entitled "An act to divide the Indiana Territory into two separate governments," was read the third time, and the consideration thereof postponed.

The bill for the encouragement of the shipping and navigation of the United States was read the third time, and the further consideration thereof postponed until Monday next.

The Senate resumed the second reading of the bill, entitled "An act to incorporate the trustees of the Presbyterian Congregation of Georgetown."

Ordered, That it pass to a third reading.

MONDAY, March 17.

The Senate resumed the consideration of the motion made on the 27th of February last on the subject; and resolved that two hundred copies of the Constitution of the United States, with the amendments which have been made thereto, be printed for the use of the Senate.

A message from the House of Representatives

informed the Senate that the House disagree to the amendment of the Senate to the bill, entitled "An act for the relief of Peter Landais," and insist on their said bill, and request a conference with the Senate thereon, and have appointed managers on their part.

The Senate took into consideration the resolution of the House of Representatives, requesting a conference on the bill, entitled 'An act for the relief of Peter Landais."

Resolved, That they agree thereto, and that Messrs. BRADLEY and MITCHILL be managers thereof on the part of the Senate.

EX-BASHAW OF TRIPOLI

Mr. BRADLEY, from the committee appointed on the 16th of January last, to consider the Message of the President of the United States of the 13th of January, respecting the application of Hamet Caramalli, made the following report:

The ex-Bashaw founds his claim on the justice of the United States, from his services and suffering in their cause, and from his having been deceived and amused with the prospect of being placed on his throne, as legitimate Sovereign of Tripoli, and frequently drawn from eligible situations for the purpose of being made the dupe and instrument of policy, and finally sacrificed to misfortune and wretchedness. The committee, from a full investigation of the documents which have been laid before Congress, with other evidence that has come within their knowledge, are enabled to lay before the Senate a brief statement of facts in relation to the ex-Bashaw, and the result of their deliberations thereon.

This unfortunate prince, by the treason and perfidy of his brother, the reigning Bashaw, was driven from his throne, an exile, to the Regency of Tunis; where the agents of the United States, in the Mediterranean, found him; and as early as August, eighteen hundred and one, entered into a convention to co-operate with him, the object of which was to obtain a permanent peace with Tripoli, to place the ex-Bashaw on his throne, and procure indemnification for all expense in accomplishing the same. This agreement was renewed in November following, with encouragement that the United States would persevere, until they had effected the object; and in eighteen hundred and two, when the reigning Bashaw had made overtures to the ex-Bashaw to settle on him the two provinces of Derne and Bengazi, and when the ex-Bashaw was on the point of leaving Tunis, under an escort furnished him by the reigning Bashaw, the agents of the United States prevailed on him to abandon the offer, with assurance that the United States would effectually co-operate, and place him on the throne of Tripoli.

The same engagements were renewed in eighteen hundred and three, and the plan of co-operation so arranged, that the ex-Bashaw, by his own exertions and force, took possession of the province of Derne; but the American squadron, at that time under the command of Commodore Morris, instead of improving that favorable moment to co-operate with the ex-Bashaw, and to put an end to the war, unfortunately abandoned the Barbary coast, and left the ex-Bashaw to contend solely with all the force of the reigning Bashaw, and who in consequence was obliged, in the fore part of the year eighteen hundred and four, to give up his conquest of Derne, and fly from the fury of the usurper into Egypt. These transactions were, from time to time, not only communicated by our agents to Government, but were laid before Congress in February, eighteen hundred and four, in the documents accompanying the report of the Committee of Claims on the petition of Mr. Eaton, late Consul at Tunis, which committee expressed their decided approbation of his official conduct, and to which report the committee beg leave to refer.

In the full possession of the knowledge of these facts, the Government of the United States, in June, eighteen hundred and four, despatched Commodore Barron, with a squadron, into the Mediterranean, and in his instructions submitted to his entire discretion the subject of availing himself of the co-operation of the ex-Bashaw, and referring him to Mr. Eaton as an agent sent out by Government for that purpose.

After Commodore Barron had arrived on the station, in September, eighteen hundred and four, he despatched Mr. Eaton and Captain Hull into Egypt, to find the ex-Bashaw, with instructions to assure him that the Commodore would take the most effectual measures with the forces under his command, to co-operate with him against the usurper, his brother, and to establish him in the Regency of Tripoli. After encountering many difficulties and dangers, the ex-Bashaw was found in Upper Egypt with the Mamelukes, and commanding the Arabs; the same assurances were again made to him, and a convention was reduced to writing, the stipulations of which had the same objects in view; the United States to obtain a permanent peace and their prisoners, the ex-Bashaw to obtain his throne. Under these impressions, and with the fullest confidence in the assurances he had received from the agents of the United States, and even from Commodore Barron himself, by one of his (the Bashaw's) secretaries, whom he had sent to wait on the Commodore for that purpose, he gave up his prospects in Egypt, abandoned his property in that country, constituted Mr. Eaton general and commander-in-chief of his forces, and with such an army as he was able to raise and support, marched through the Lybian desert, suffering every hardship incident to such a perilous undertaking; and with his army, commanded by General Eaton, aided by O'Bannon and Mann, three American officers, who shared with him the dangers and hardships of the campaign, and whose names their country will forever record with honor, attacked the city of Derne in the Regency of Tripoli, on the twenty-seventh day of April, one thousand eight hundred and five, and, after a well-fought battle, took the same; and for the first time planted the American colors on the ramparts of a Tripolitan fort. And in several battles afterwards, one of which he fought without the aid of the Americans, (they having been restrained by orders, not warranted by any policy, issued as appears by Mr. Lear, the American Consul,) defeated the army of the usurper, with great slaughter, maintained his conquest, and, without the hazard of a repulse, would have marched to the throne of Tripoli, had he been supported by the co-operation of the American squadron, which in honor and good faith he had a right to expect. The committee would here explicitly declare, that, in their opinion, no blame ought to attach to Commodore Barron. A wasting sickness, and a consequent mental as well as bodily debility, had rendered him totally unable to exercise the duties of commanding the squadron, previously to this momentous crisis, and from which he has never recovered; and to this cause alone may be attributed the final failure of the plan of co-operation which appears

to have been wisely concerted by the Government, and hitherto bravely executed by its officers.

But, however unpleasant the task, the committee are compelled, by the obligations of truth and duty, to state further that Mr. Lear, to whom was entrusted the power of negotiating the peace, appears to have gained a complete ascendency over the Commodore, thus debilitated by sickness; or rather, having assumed the command in the name of the Commodore,* to have dictated every measure; to have paralyzed evey military operation by sea and land; and finally, without displaying the fleet or squadron before Tripoli, without consulting even the safety of the ex-Bashaw or his army, against the opinion of all the officers of the fleet, so far as the committee have been able to obtain the same, and of Commodore Rodgers, (as appears from Mr. Lear's letter † to the Secretary of State, dated Syracuse harbor, July 5th, 1805,) to have entered into a convention with the reigning Bashaw, by which, contrary to his instructions, he stipulated to pay him sixty thousand dollars, to abandon the ex-Bashaw, and to withdraw all aid and assistance from his army. And although a stipulation was made that the wife and children of the ex-Bashaw should be delivered to him on his withdrawing from the territories of Tripoli, yet that stipulation has not been carried into execution, and it is highly probable was never intended to be. The committee forbear to make any comment on the impropriety of the orders issued to General Eaton to evacuate Derne, five days previous to Mr. Lear's sailing from Malta for Tripoli, to enter on his negotiation; and the honor of the nation forbids any remarks on the unworthy attempt to compel the ex-Bashaw and General Eaton to give up and abandon their conquest, by withholding supplies from the army at Derne, eight days previous to the commencement of the negotiation; nor will the committee condescend to enter into a consideration of pretended reasons, assigned by Mr. Lear, to palliate his management of the affairs of the negotiation; such as, the danger of the American prisoners in Tripoli, the unfitness of the ships for service, and the want of means to prosecute the war; they appear to the committee to have no foundation in fact, and are used rather as a veil to cover an inglorious deed, than solid reasons to justify the negotiator's conduct. The committee are free to say, that, in their opinion, it was in the power of the United States, with the force then employed, and a small portion of the sixty thousand dollars, thus improperly expended, to have placed Hamet Caramalli, the rightful sovereign of Tripoli, on his throne; to have obtained their prisoners in perfect safety,* without the payment of a cent, with assurance, and probable certainty, of eventual remuneration for all expenses; and to have established a peace with the Barbary Powers, that would have been secure and permanent, and which would have dignified the name and character of the American people.

Whatever Hamet, the ex-Bashaw, may have said, in his letter of June 29th, 1805, to palliate the conduct which first abandoned and then ruined him, the Senate cannot fail to discern that he was then at Syracuse, in a country of strangers to his merits, and hostile to his nation and religion, and where every circumstance conspired to depress him, which, together with the fear of starving, left him scarcely a moral agent.

Upon these facts, and to carry into effect the principle of duty arising out of them, the only remuneration now left in the power of the United States to make, the committee herewith present a bill for the consideration of the Senate. The committee are confident that the Legislature of a free and Christian country, can never leave it in the power of a Mahometan to say that they violate their faith, or withhold the operations of justice from one who has fallen a victim to his unbounded confidence in their integrity and honor.

The report was ordered to lie for consideration.

Mr. BRADLEY, from the same committee, also reported a bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli;" and the bill was read, and ordered to the second reading.

* Extract of a letter from Captain Dent.

"It is generally believed, by the officers in the Mediterranean, that Mr. Lear had a great ascendency over the Commodore in all his measures relative to the squadron; and from frequent observations of Mr. Lear's intimacy with the Commodore, during his debilitated state, I am of the same opinion.

† "I must here pay a tribute of justice to Commodore Rodgers, whose conduct during the negotiation on board, was mixed with that manly firmness and evident wish to continue the war if it could be done with propriety, while he displayed the magnanimity of an American, in declaring that we fought not for conquest but to maintain our just rights and national dignity, as fully convinced the negotiators that we did not ask, but grant peace.

"You will pardon me if I here introduce a circumstance evincive of the spirit of our countrymen. At breakfast this morning, Commodore Rodgers observed that if the Bashaw would consent to deliver up our countrymen without making peace, he would engage to give him two hundred thousand instead of sixty thousand dollars, and raise the difference between the two sums from the officers of the navy, who he was perfectly assured, would contribute to it with the highest satisfaction."

TUESDAY, March 18.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a PRESIDENT *pro tempore*, as the Constitution provides, and the honorable SAMUEL SMITH was appointed.

Ordered, That the Secretary wait on the President of the United States and acquaint him that the Senate have, in the absence of the VICE PRESIDENT, elected the honorable SAMUEL SMITH President of the Senate *pro tempore*.

Ordered, That the Secretary make a like communication to the House of Representatives.

Mr. BRADLEY submitted the following resolutions for consideration, which were read:

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That Congress entertain a high sense of the patriotism, intrepidity, and valor, of William Eaton, late General-in-Chief of the army of the ex-Bashaw of

* Extract from a letter of Commodore Rodgers.

"I never thought the prisoners were in danger."

Extract from a letter of Lieutenant Wormeley, then a prisoner in Tripoli.

"I do not believe that there was any danger to be apprehended for our lives, even if General Eaton and Hamet Bashaw had have marched under the walls of Tripoli."

Tripoli, and of Priestly N. O'Bannon, and George Washington Mann, three American officers, who, with a small number of American marines and the forces of the ex-Bashaw, composed of Greeks and Arabs, courageously marched through the Libyan desert, defeated the Tripolitan army near Derne, and took that city on the twenty-seventh day of April, eighteen hundred and five, and for the first time spread the American eagle in Africa, on the ramparts of a Tripolitan fort, and thereby contributed to release three hundred American prisoners from bondage in Tripoli.

"*Resolved*, As a further testimony of the gratitude of their country, that the President of the United States be requested to cause to be surveyed, within the limits of the public lands of the United States now open for sale, as the said William Eaton shall elect, a township of six miles square, to be called Derne, as a memorial of the conquest of that city, forever; and to cause to be laid out, surveyed, and granted, to the said William Eaton, in one entire tract, within the said township, —— thousand acres; and to Priestly N. O'Bannon and George Washington Mann, each —— thousand acres; and to Arthur Campbell, Bernard O'Brian, David Thomas, and James Owen, the only surviving marines who served as volunteers in that expedition, three hundred and twenty acres each; to be granted to them, respectively, their heirs, and assigns, forever."

Mr. TRACY, from the committee to whom was referred, on the 4th of February last, the bill, entitled "An act to repeal so much of any act or acts to authorize the receipt of evidences of the public debt, in payment for lands of the United States, and for other purposes relative to the public debt," reported the bill with amendments, which were read, and ordered to lie for consideration.

Resolved, That the report of the Secretary for the Department of War, dated 15th of January, 1805, respecting the rations of the officers of the army, be referred to a select committee, who are hereby authorized to report by bill or otherwise.

Ordered, That Messrs. TRACY, BRADLEY, and BALDWIN, be the committee.

The amendments reported by the committee to the rules for conducting business in the Senate were considered as in Committee of the Whole; and, having been further amended, were adopted and reported to the House.

Ordered, That they pass to a third reading.

The Senate resumed the third reading of the bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine called the Henrick, and her cargo."

Ordered, That the further consideration of the bill be postponed.

The bill for the encouragement of the shipping and navigation of the United States was resumed, and the further consideration of the bill made the order of the day for Monday the 31st day of March.

The bill, entitled "An act to incorporate the trustees of the Presbyterian Congregation of Georgetown," was read the third time; and, on the question, Shall the bill pass? it was determined in the affirmative—yeas 16, nays 10, as follows:

YEAS—Messrs. Adams, Baldwin, Bayard, Gilman, Hillhouse, Logan, Mitchill, Pickering, Plumer, Smith of Maryland, Smith of New York, Stone, Thruston, Tracy, White, and Wright.

NAYS—Messrs. Anderson, Bradley, Condit, Kitchel, Maclay, Moore, Smith of Tennessee, Smith of Vermont, Sumter, and Turner.

So it was *Resolved*, That this bill pass.

WEDNESDAY, March 19.

The Senate were informed that JAMES JACKSON, one of their members, from the State of Georgia, had deceased the last night, Whereupon,

Resolved, That a committee be appointed to take order for superintending the funeral of JAMES JACKSON, and that the Senate will attend the same; and that notice of the event be given to the House of Representatives; and,

Ordered, That this committee consist of Messrs. ANDERSON, SUMTER, and WRIGHT.

Resolved, *unanimously*, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of JAMES JACKSON, deceased, late a member thereof, will go into mourning for him one month, by the usual mode, of wearing a crape round the left arm.

The Senate adjourned.

THURSDAY, March 20.

A message from the House of Representatives informed the Senate that the House will attend the funeral of JAMES JACKSON, Esquire, late a Senator of the United States. They have also determined to wear mourning on the left arm, for the space of one month, in testimony of their respect for the memory of that distinguished Revolutionary patriot.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

It was reasonably expected that, while the limits between the territories of the United States and Spain were unsettled, neither party would have innovated on the existing state of their respective positions. Some time since, however, we learnt that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river; which, by delivery of its principal post, Natchitoches, was understood to have been itself delivered up by Spain; and, at the same time, to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer of Natchitoches learning that a party of Spanish troops had crossed the Sabine river, and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letter detailing this incident, that they may fully understand the state of things in that quarter, and

be enabled to make such provision for its security as, in their wisdom, they shall deem sufficient.

TH. JEFFERSON.

MARCH 19, 1806.

The Message and papers accompanying it were read, and ordered to lie for consideration.

FRIDAY, March 21.

The bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli, was read the second time, and passed to the third reading.

The Senate took into consideration, as in Committee of the Whole, the amendments reported on the 18th instant, to the bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment of lands of the United States, and for other purposes relative to the public debt; and,

Ordered, That the bill and amendments be referred to Messrs. BALDWIN, TRACY, and WORTHINGTON, to consider and report thereon.

Mr. WORTHINGTON, from the committee to whom the subject was referred, on the 12th instant, reported a bill making provision for the defence of the Territory of Orleans, and for the disposal of a part of the public land therein; and the bill was read, and ordered to a second reading.

The resolutions proposed on the 17th inst. relative to William Eaton, late General of the Army of the ex-Bashaw of Tripoli, and other American officers therein mentioned, were read the second time, and referred to Messrs. BRADLEY, WRIGHT, and STONE, to consider and report thereon.

The amendments reported to the rules for conducting business in the Senate were read the third time, and further amendment proposed.

Ordered, That the further consideration thereof be postponed.

The Senate resumed the third reading of the bill, entitled "An act enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine called the Henrick, and her cargo;" and, on the question, Shall this bill pass? it was determined in the negative. So the bill was lost.

A message from the House of Representatives informed the Senate that the House have passed "A resolution expressive of the high sense entertained by Congress of the disinterested and benevolent attentions manifested by His Danish Majesty's Consul, residing at Tripoli, to Captain Bainbridge, his officers, and crew, during their captivity in Tripoli:" also, a bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia;" in which resolution and bill they request the concurrence of the Senate.

The resolution was read, and ordered to the second reading.

The bill last brought up for concurrence was read, and ordered to the second reading.

On motion, it was agreed that the amendment to the Constitution, proposed 22d January last, be the order of the day for Monday next.

The bill, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives," was read the third time as amended.

Resolved, That this bill pass as amended.

The Senate resumed the third reading of the bill, entitled "An act declaring the consent of Congress to an act of the State of South Carolina, passed the 21st day of December, in the year 1804, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports."

Resolved, That this bill do pass.

The bill to carry into effect the provisions of the 8th section of the "Act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," was read the third time, and the further consideration of the bill postponed to Monday next.

Mr. SMITH, of Ohio, from the committee appointed on the 13th of February last, on sundry petitions for extending the times of payment of the purchase money for certain public lands, reported that, upon recurrence to the Treasury Department, they find but eight persons, of all those subscribers, owe money to the United States for lands; and, as an innovation upon the system of sales of lands will probably be attended with many evils, and so great a proportion of the petitioners are not purchasers, and can add no weight to the application, the committee are of opinion that they have leave to withdraw their petitions respectively.

Ordered, That this report lie for consideration.

Mr. SMITH, of Ohio, gave notice that he should, on Monday next, ask leave to bring in a bill to suspend the sale of certain lands within the State of Ohio and the Indiana Territory.

CHESAPEAKE AND DELAWARE CANAL.

Mr. LOGAN, from the committee to whom was referred, on the 28th of January last, the petition of the President and Directors of the Chesapeake and Delaware Canal Company, made the following report:

That it appears that a company has been incorporated and established by the concurrent acts of the Legislatures of Pennsylvania, Delaware, and Maryland, for the purpose of cutting a canal across the isthmus separating the waters of the Delaware and Chesapeake bays. The capital of the company consists of two thousand six hundred shares, and $200 constitute a share. The sum, of consequence, contemplated to complete this work, is $520,000. Of this sum nearly $400,000 have been subscribed by individuals, and between five and six hundred shares remain unsubscribed for.

The site of the canal has been fixed, and its embouchures established at Welch Point, on the Elk river, and Mendenhall's ferry, on Christiana creek. It is intended to furnish a navigation to vessels drawing upwards of seven feet water. The work has been commenced, and a canal to supply the necessary water to the main canal has been opened from the head waters of the Elk river, nearly to the line

of the route of the grand canal. This canal of supply communicates with populous and productive tracts of country in the three States of Pennsylvania, Delaware, and Maryland, and is calculated for barge navigation.

The length of the main canal, as the route has been established, is twenty-one miles, and the expense of cutting it is estimated at $25,000 a mile.

The committee are of opinion that the work designed to be accomplished by the Chesapeake and Delaware Canal Company is one of great interest and importance, not only to the three States whose laws have incorporated the company, but generally to the United States. By opening the proposed communication between the two bays, a safe inland navigation of twenty-one miles supplies the place of a circuitous and an exposed navigation of five hundred. The large tracts of country in Virginia, Maryland, Pennsylvania, Delaware, and New Jersey, connected with the waters of the bays, will be furnished with a safe water communication, and will immediately feel the great benefit of the work. In the event of a war, the facility, celerity, safety, and cheapness in the transportation of troops and ordnance and military stores, from remote parts of the United States, present an object at once of sufficient magnitude to interest the General Government in the undertaking. The importance, however, of the proposed canal, though great in itself, is not justly appreciated by considering it as a separate work; it must be viewed as the basis of a vast scheme of interior navigation, connecting the waters of the lakes with those of the most Southern States; a plan certainly within the compass of industry and art; and, if beyond the present means, unquestionably within the growing resources of the country.

The following statement and illustration of the plan the committee have extracted from the memorial, furnishing a correct view of the subject, well deserving the serious consideration of the Senate:

"It is easy, however, to see, by examining any map of the United States, that this extent may be carried much further. To the southward, the canal through the Dismal Swamp, now in execution, will open the communication to the waters of Albemarle Sound, and from thence through the inlets to South Carolina and Georgia. To the northward, a communication is now nearly opened from Albany, up the Mohawk river, to Lake Ontario and all the upper lakes; if a similar one be made from Hudson river to Lake Champlain, it will extend the navigation to Quebec. And to the eastward, if the pass from Buzzard's to Boston Bay be opened, which has been contemplated, it will in like manner extend it to Boston and all the coast of Massachusetts. Thus, with opening only a few short passes, of which the Chesapeake and Delaware Canal is the great and preliminary one, a communication may be made, nearly free from all the dangers of the ocean, along the whole coast of the United States."

The committee are of opinion that it is among the first duties of Government to promote public improvements of a general nature. No work deserves the character of public improvements more than canals. The one proposed by the memorialists is of the first magnitude and importance; it, therefore, well deserves the assistance and encouragement of the Government. Considering that a large capital has been subscribed; that an expensive part of the work is nearly completed; that, probably, without the countenance and aid of Government, the work will cease, to the loss of a number of public spirited individuals, and the destruction of a great public improvement, it is the opinion of the committee that aid ought to be granted to the memorialists.

If it be inconvenient at this moment to spare the money from the Treasury, the United States have it in their power to contribute the assistance prayed for by a grant of land. The grant may be either gratuitous, or the company enjoined to dispose of it, and to credit the United States with shares of stock equal to the proceeds of the land, at the established rate of $200 for each share. The committee, therefore, submit the following resolution:

Resolved, That —— acres of land be granted to the Chesapeake and Delaware Canal Company, upon their giving bond, conditioned to transfer to the United States a number of the shares of the capital stock of said company, at the rate of $200 a share, equal to the proceeds of the sales of lands granted to them; and conditioned to sell the said land within —— years, and to furnish to the Secretary of the Treasury a true account of the sales.

—

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial and petition of the President and Directors of the Chesapeake and Delaware Canal Company, respectfully showeth:

That, by sundry acts of the several Legislatures of the States of Maryland, Delaware, and Pennsylvania, passed in the years 1799, 1801, and 1802, a company was incorporated for the purpose of forming a navigable canal over the important isthmus which separates the Bays of Chesapeake and Delaware; in pursuance of which acts, a large number of subscriptions were made by divers citizens of the United States, and a Board of President and Directors duly elected for carrying the execution of the said canal into effect.

That, in pursuance of their appointment, the said President and Directors procured able engineers and other persons well qualified to make the necessary surveys of the ground and waters across the aforesaid isthmus; and, after the most mature deliberation, fixed upon a route or position for the said canal, calculated in every respect to secure the great and important purpose of an uninterrupted navigation; since which, they have steadily pursued the execution of the said work, and made considerable progress therein.

Your memorialists, however, have already experienced that a public work of such magnitude and importance, and of a kind nearly new in the United States, requires not only more extensive funds, but a greater portion of fortitude and perseverance than the individuals who are embarked in it can be supposed to possess, and demands for its support the aid and countenance of the public.

They are, therefore, at once compelled and emboldened to apply for that aid and countenance to the Legislature of the United States; and beg leave most respectfully to mention to Congress the facts and reasons which appear to them such as highly to merit the attention and interest of your honorable House.

The general utility of those public improvements which rank themselves under the head of political economy, and particularly those of roads and canals, have been so universally acknowledged, and they have become so much the objects of encouragement to the Governments of all free and enlightened nations, that, at this period, they require no argument in their support; but your memorialists beg leave to call the attention of Congress to a few of the great effects which are

known to have been produced by them, and particularly to the immense wealth, power, and resources which they have given to the English nation; to the powerful rivalship and zeal for imitation which the success of them there has created in other nations; to the unceasing attention which is bestowed upon them throughout Europe; and to the conviction which exists in every country there, that, without an attention to these objects, the nation who neglects them must not only cease to increase in its agricultural, commercial, and manufacturing importance, but must sink below the level of its neighbors in its political consequence.

Your memorialists apprehend, that if ever any country or period of time was more particularly interested or proper for the zealous encouragement of these works, it is the United States in its present situation, and at the present period.

The immense public wealth and private happiness which agriculture has already introduced; the vast extent to which this happiness and wealth may be carried; the progress which our manufactures have already made, and the struggles they are yet making to advance to maturity; the resources which our commerce has given us, and the rapid increase it experiences as fast as means can be furnished to supply it—all prove the unbounded spirit and energy of our citizens in everything which can promote the private or public good; and that it is only from the want of population that spirit and energy are repressed. Whatever, therefore, can tend to increase that population, or whatever arts and improvements can supply its place, and assist the productions of labor, are peculiarly appropriate to the present period, and mark it out as the moment for public encouragement.

The situation of the United States is, by nature, one of the most happy that is possessed by any nation of the earth; it extends over almost every climate, and furnishes nearly every production; its many noble bays and rivers diffuse foreign commerce through all its eastern boundary, by which our wants are supplied with the manufactures of other nations, and our produce conveyed abroad; but so near do those bays and rivers approach to each other, that nature seems to have left but a few objects for art to accomplish, in order to establish the incalculable advantages which domestic commerce and internal communication will afford, by creating a universal interchange of produce through all parts of the United States, not only to supply thereby our mutual wants, and give the utmost encouragement to our own agriculture and manufactures, but by mingling the habits, manners, and interests of all the States together in one general commercial and social intercourse, unite their affections, and more and more blend the interests of our common country.

Your memorialists beg leave to remind Congress that each of the States possesses so many local or domestic objects for the application of their respective resources, in opening their rivers and roads to internal communication among themselves, that it seems, with propriety, they look to Congress for the promotion of those works of the same kind whose advantages are of general importance to the Union, and justly designate them as great national objects claiming the protection of the General Government.

Such is the opening of the Chesapeake and Delaware Canal; for if the important isthmus between those waters and another between Trenton and the Raritan in New Jersey, which is also contemplated, be reduced to practicable navigation, an easy and direct communication will be established from the southern limits of the Chesapeake to New York, and from thence by the river Hudson to Albany on the one hand, and by the Sound to the New England States on the other; which communication may be extended both to the southward and northward, so as to form a direct and easy internal navigation from the Lakes of Canada through the whole eastern boundary of the United States.

The easy practicability of the work now immediately placed before the attention of your honorable House admits of proofs so decisive, as to banish every doubt of its execution in a very short period of time; nor does the pass through Jersey, or any others which have been contemplated, furnish any of those important difficulties which have often occurred, and been surmounted in other countries, where, indeed, such has been the improvement in public works of this kind, that no difficulties seem to have retarded, or been unsubdued by human genius.

The utility of a communication through the United States of the kind which your memorialists have mentioned, is so great, and its description diffused under so many heads, that the detail of them would extend far beyond the limits of a memorial; but the more important parts of them are so striking, as at once to be comprehended, and their importance appreciated, from the general view of the subject which has thus been placed before your honorable House. Your memorialists, however, leaving to your honorable House the appreciation of those advantages when confined to a state of peace, and in promoting the general benefit of the United States, cannot but mention the immense accumulation of benefits which must arise from this internal communication in time of war and hostile aggression, which it may be our lot to experience.

It is a fact well known, that, during the late Revolutionary war, no circumstance was so injurious to our defence, or so much assisted our enemies, as the difficult and tedious communication between the Eastern and Southern States; since the advantages possessed by the enemy at sea, to block up our ports, to conquer our maritime towns, to invade us in numerous positions at once, and to convey their armies along our coast with a celerity which no means could guard against or army defend, formed almost every difficulty and the source of every danger we experienced.

But if the communication in question be established, not only would internal commerce be completely retained, and foreign supplies landed in one State be quickly diffused through the rest, but, by securing the mouths of a few rivers, our cities would be protected, and our armies conveyed wherever necessity should call them, and a cheap and easy defence established through the Union.

Your memorialists further beg leave to state, that, though they have exerted every degree of attention, enterprise, and fortitude, to the work under their care, and though no serious difficulty in point of execution has occurred, yet, without the continuance of public patronage, and some aid from your honorable House, they have every reason to fear that their future efforts will be unavailing, and the progress of the work suspended, solely from that despondence, which, in a new country, and with limited fortunes in individuals, will unfortunately depress the hopes and overcome the exertions of private support.

Of how much injury, therefore, the delay of this important work will prove to the Union, how widely the example of its failure will increase the public despond-

ence, and protract for a long period of years all great improvements, your honorable House can fully judge.

Your memorialists beg leave, therefore, most respectfully to state, whether, among all the numerous objects of public patronage and expenditure, any can be found, which, in point of utility and greatness, more forcibly invites the attention of the Government of a great and free country; and to pray that, taking the premises into your serious consideration, you will grant to the Chesapeake and Delaware Canal Company your protection and aid, in such manner as to your honorable House may seem most proper.

By order and on behalf of the President and Directors of the Chesapeake and Delaware Canal Company:

JOSEPH GILPIN,
KENSEY JOHNS.

The report was ordered to lie for consideration.

MONDAY, March 24.

Mr. BRADLEY, from the Managers appointed on the part of the Senate to confer on the amendment to the bill, entitled "An act for the relief of Peter Landais," disagreed to by the House of Representatives, made report: Whereupon,

Resolved, That the Senate do adhere to their amendment to the said bill.

Mr. TRACY, from the committee, to whom was referred, on the 21st instant, the bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt;" together with the amendments thereto, reported a further amendment; which was read, and ordered to lie for consideration.

Ordered, That the bill making provision for the defence of the Territory of Orleans, and for the disposal of a part of the public land therein," be the order of the day for Thursday next.

The bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," was read the second time.

The PRESIDENT communicated the memorial of the Mayor and Corporation of Georgetown, stating the damages that will be consequent on the passage of the bill last read, which, together with the bill and papers from the House of Representatives on the subject, were referred to Messrs. MITCHILL, ANDERSON, BRADLEY, WRIGHT, and TRACY, to consider and report thereon.

The PRESIDENT communicated a report from the Secretary of War, on the petition of Gilbert C. Russel, referred to him for consideration on the 14th instant; and the report was read, and referred to Messrs. ANDERSON, TRACY, and ADAMS, with leave to report by bill or otherwise.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed," in which they desire the concurrence of the Senate. They agree to the amendments of the Senate to the bill, entitled "An act relating to bonds given by marshals," with amendments thereto, in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to their amendment to the bill, entitled "An act relating to bonds given by marshals," and

Ordered, That they be referred to Messrs. BAYARD, BRADLEY, and BALDWIN, to consider and report thereon.

The resolution expressive of the high sense entertained by Congress of the disinterested and benevolent attentions manifested by His Danish Majesty's Consul residing at Tripoli, to Captain Bainbridge, his officers and crew, during their captivity in Tripoli, was read the second time.

Ordered, That it pass to the third reading.

The Senate, according to the order of the day, took into consideration the motion submitted on the 22d of January, for an amendment to the Constitution of the United States; and, after debate, the further consideration thereof was postponed to Monday next.

Mr. BAYARD, from the committee appointed this day on the amendments proposed by the House of Representatives to the amendments of the Senate to the bill, entitled "An act relating to bonds given by marshals," made report: Whereupon,

Resolved, That the Senate agree to the two first amendments of the House of Representatives to their amendments, and disagree to the last.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," with amendments, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments to the bill last mentioned, and they were referred to Messrs. WRIGHT, WORTHINGTON, and TRACY, to consider and report thereon.

The Senate resumed the third reading of the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of lands of the United States south of the State of Tennessee.

Ordered, That the further consideration of this bill be postponed.

The Senate resumed the third reading of the bill to explain the fifth section of an act, entitled "An act to divide the Indiana Territory into two separate governments."

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act to explain the fifth section of an act, entitled "An act to divide the Indiana Territory into two separate governments."

The bill to incorporate a National Academy was read the third time, and amended, by striking out, in section one, line three, the words "a national;" and, on motion, the bill was referred to Messrs. BRADLEY, LOGAN, BALDWIN, MOORE, and HILLHOUSE, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

I communicate to Congress a letter recently received from the Minister Plenipotentiary of the United States at London, stating some circumstances which bear relation to the subject of my messages of January 17. This paper being original, and to be communicated to both Houses, the return of it is requested.

TH. JEFFERSON.

The Message was read, and ordered to lie for consideration.

TUESDAY, March 25.

Mr. WRIGHT, from the committee to whom were yesterday referred the amendments of the House of Representatives to the bill, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," reported the bill amended accordingly.

Mr. ANDERSON, from the committee appointed on the 20th of December last, to consider the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war,'" reported amendments; which were read, and ordered to lie for consideration.

The bill, entitled "An act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed," was read the second time, and referred to Messrs. STONE, BALDWIN, and MITCHILL, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the amendments to the bill, entitled "An act to repeal so much of any act or acts, as authorize the receipt of evidences of the public debt, in payment for lands of the United States, and for other purposes relative to the public debt;" and having adopted the said amendments, the bill was reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

A message from the House of Representatives informed the Senate that the House have considered the amendments of the Senate to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States:" to some of which they agree, and to others they disagree. They agree to the amendments of the Senate to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," except to that which goes to the insertion of a new section, next after the first section, to which they do not agree. The House of Representatives insist on their last amendment to the amendments of the Senate to the bill, entitled "An act relating to bonds given by marshals."

On motion,

"That a committee be appointed to inquire into the expediency of repealing all such parts of the several acts providing for the sale of the lands of the United States, as authorize a credit on any part of the purchase-money of said lands; and that they have leave to report by bill or otherwise;"

Ordered, That this motion lie for consideration.

On motion,

"That a committee be appointed to inquire whether any, and what, alterations are necessary or expedient in the laws relating to the District of Columbia; and that the committee have leave to report by bill or otherwise:"

Ordered, That this motion lie for consideration.

The Senate proceeded to consider the last amendment of the House of Representatives to their amendments to the bill, entitled "An act relating to bonds given by marshals," and yesterday disagreed to by the Senate.

Resolved, That they do recede from their disagreement to the said amendment.

The Senate took into consideration their amendment, disagreed to by the House of Representatives, to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives;" and,

Resolved, That they do insist on their said amendment, ask a conference thereon, and that Messrs. TRACY and BRADLEY be the managers on the part of the Senate.

WEDNESDAY, March 26.

The President communicated the report of the Secretary for the Department of Treasury, on the memorial of John Chester, late supervisor for the Connecticut district, referred on the 7th instant; and the report was read.

Ordered, That it lie for consideration, and be printed for the use of the Senate.

The Senate resumed the motion made yesterday, that a committee be appointed to inquire into the expediency of repealing all such parts of the several acts providing for the sale of the lands of the United States, as authorize a credit on any part of the purchase-money of said lands; and

Ordered, That the consideration thereof be postponed.

The Senate resumed the motion made yesterday, to consider whether any, and what, alterations are necessary or expedient, in the laws relating to the District of Columbia; and having agreed thereto, Messrs. ADAMS, BALDWIN, and WRIGHT, were appointed the committee.

The Senate resumed the amendments of the House of Representatives to the bill, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio;" and agreed thereto.

The Senate took into consideration their amendments disagreed to by the House of Representatives to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States;" and,

Resolved, That they recede from their amendments disagreed to, except the last, on which they

insist; ask a conference; and that Messrs. ANDERSON and TRACY be managers at the conference on the part of the Senate.

The resolution expressive of the high sense entertained by Congress of the distinguished and benevolent attention manifested by His Danish Majesty's Consul residing at Tripoli, to Captain Bainbridge, his officers and crew, during their captivity in Tripoli, was read the third time, and

Resolved, That the Senate concur therein.

RULES OF THE SENATE.

The Senate resumed the amendments reported to the rules for conducting business in the Senate, and having agreed to further amendments, the rules were adopted, as follows:

1. The President having taken the Chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the Journals or public papers are reading, or when any member is speaking in any debate.

3. Every member, when he speaks, shall address the Chair, standing in his place; and, when he has finished, shall sit down.

4. No member shall speak more than twice in any one debate, on the same day, without leave of the Senate.

5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member first rising shall speak first.

6. No motion shall be debated until the same shall be seconded.

7. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table, and read by the President, before the same shall be debated.

8. While a question is before the Senate, no motion shall be received unless for an amendment, for postponing the question, or to commit it, or to adjourn: and the motion for adjournment shall always be in order, and decided without debate.

9. If the question in debate contain several points, any member may have the same divided.

10. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

11. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

12. Every bill shall receive three readings previous to its being passed; and the President shall give notice to each, whether it be the first, second or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions, to which a concurrence of the House of Representatives is requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them in the Senate, in a similar manner with bills.

13. No bill shall be committed until it shall have been twice read, after which it may be referred to a committee.

14. All committees shall be appointed by ballot, and a plurality of votes shall make a choice. But when any subject or matter shall have been referred to a select committee, any other subject or matter of a similar nature, may, on motion, be referred to such committee.

15. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President without debate; but if there be a doubt in his mind, he may call for the sense of the Senate.

16. If a member be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

17. When a blank is to be filled, and different sums shall be proposed, the question shall be taken on the highest sum first.

18. No member shall absent himself from the service of the Senate without leave of the Senate first obtained. And in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient: and in that case the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned.

19. All bills, on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in a Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered. And in the absence of the Vice President, when the Senate consider a treaty, bill, or resolution, as if they were in Committee of the Whole, the President *pro tempore* may call a member to fill the chair during the time the Senate shall remain in Committee of the Whole; which chairman is hereby vested, during said time, with all the powers of the President *pro tempore*, were he to remain in the chair.

20. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introductor.

21. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order, after a bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of possession of the Senate, nor after the usual message shall have been sent from the Senate, announcing their decision; nor shall any motion for reconsideration be in order unless made on the same day in which the vote was taken, or within the three next days of actual session of the Senate thereafter.

22. At the commencement of each session, a committee, consisting of three members, shall be appointed, whose duty it shall be to examine all bills, amendments,

resolutions, or motions, before they go out of possession of the Senate, and to make report that they are correctly engrossed; which report shall be entered on the journal.

23. Every vote of the Senate shall be entered on the journals, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, be also inserted on the journals.

24. The proceedings of Senate, when they shall act in their Executive capacity, shall be kept in separate and distinct books.

25. The proceedings of the Senate, when not acting as in a Committee of the Whole, shall be entered on the journals as concisely as possible, care being taken to detail a true and accurate account of the proceedings.

26. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

27. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and, during the discussion of such motion, the doors shall remain shut.

28. No motion shall be deemed in order to admit any person or persons whatsoever within the doors of the Senate Chamber to present any petition, memorial, or address, or to hear any such read.

29. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

30. Messages sent from the House of Representatives by their Clerk shall be received at the bar by the Secretary, and by him be delivered to the President of the Senate.

31. When the Senate are equally divided, the Secretary shall take the decision of the President.

32. Extracts from the Executive records are not to be furnished but by special order.

33. All bills, after the first reading, shall be printed for the use of the Senate.

34. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. When the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as the head of the Senate, and his chair shall be assigned to the President of the United Sates. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

35. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the Senators shall signify their assent or dissent by answering, *viva voce*, aye or no.

36. All confidential communications made by the President of the United States to the Senate shall be, by the members thereof, kept inviolably secret; and all treaties which may hereafter be laid before the Senate shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

37. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify, the whole or any part shall be received. Its second reading shall be for consideration, and on a subsequent day, when it shall be taken up as in a Committee of the Whole, and every one shall be free to move a question on any particular article, in this form: "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case the question shall be, "Shall these words stand as part of the article?" And in every of the said cases the concurrence of two-thirds of the Senators present shall be requested to decide affirmatively. And when through the whole, the proceedings shall be stated to the House, and questions be again severally put thereon for confirmation, or new ones proposed, requiring in like manner a concurrence of two-thirds for whatever is retained. The votes so confirmed shall, by the House, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last case the question shall be, "Shall the words stand part of the resolution?" And in both cases the concurrence of two-thirds shall be requisite to carry the affirmative, as well as on the final question to advise and consent to the ratification in the form agreed to.

38. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

39. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are calling.

40. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

FOREIGN COINS.

Mr. ANDERSON, from the committee to whom was referred, on the 24th of December last, the bill, entitled "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes,'" as is contained in the second section thereof, made the following report:

That they find, by the law, aforesaid, which passed on the 9th day of February, 1793, in the first section thereof, certain foreign coins are made a legal tender, at the rates therein specified. The said first section closes with these words, viz: "But no foreign coin that may have been, or shall be issued subsequent to the 1st of January, 1792, shall be a tender as aforesaid, until samples thereof shall have been found, by assay at the Mint of the United States, to be conformable to the respective standards required, and proclamation thereof shall have been made by the President of the United States.

The second section of the same law (a repeal of which section is contemplated by the bill referred to the committee) is in the following words, viz: "That, at the expiration of three years next ensuing, the time when the coinage of gold and silver, agreeably to the act, entitled 'An act establishing a Mint, and regulat-

ing the coins of the United States,' shall commence at the Mint of the United States, (which time shall be announced by the proclamation of the President of the United States,) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars, and parts of such dollars, shall cease to be a legal tender as aforesaid,"

The committee find that, in consequence of the operations of the Mint having commenced, the President of the United States did, by his proclamation, dated the 22d day of July, 1797, announce the same, pursuant to the directions contained in said second section, and did thereby give notice that, in conformity with said law, all foreign silver coins, except Spanish milled dollars and parts of such dollars, would cease to pass current as money, within the United States, and to be a legal tender for the payment of any debts or demands, after the 15th day of October then next, and that all foreign gold coins would cease to be a tender as aforesaid, after the 31st day of July, in the year 1798.

The committee find that no proclamation has ever been made by the President of the United States, upon the subject of foreign coins which may have issued since January 1st, 1792, as contemplated by the first section of the act aforesaid; nor does it appear that any assay of such coins has been made at the Mint of the United States.

The committee find that, on the first day of February, 1798, Congress passed an act, supplementary to the act, entitled "An act regulating foreign coins, and for other purposes" in the words following, viz: "That the second section of the act, entitled 'An act regulating foreign coins, and for other purposes,' be, and the same are hereby, suspended, for and during the space of three years, from and after the 1st day of January, 1798, and until the end of the next session of Congress thereafter; during which time the said gold and silver coins shall be and continue a legal tender, as is provided in and by the first section of the act aforesaid; and that the same coins shall thereafter cease to be such tender."

On the 30th of April, 1802, Congress passed an act to suspend, in part, the act, entitled "An act regulating foreign coins, and for other purposes," in the words following, viz: "That so much of the act, entitled "An act for regulating foreign coins, and for other purposes,' as is contained within the second section thereof, be, and the same hereby is, suspended, for and during the space of three years, from and after the end of the present session of Congress." That session of Congress, the committee find, was closed, and at an end, on the 3d day of May, 1802.

By placing in one view all the laws upon the subject of foreign coins, it appears that, if the first section of the law upon that subject were now in force, no foreign coin whatever, which has *issued subsequent to the first of January*, 1792, is current money or a legal tender—not even Spanish milled dollars and parts of dollars, unless by force of the second section of the same law; which, if suspended or repealed, will throw out of circulation almost the whole of Spanish dollars, and parts of dollars, as but few pieces of those, or of any other foreign coins of a prior date to January, 1792, are in circulation. But, when we consider the act passed on the 1st day of February, 1798, as not only suspending the operation of the second section of the act regulating foreign coins, but positively enacting that all the foreign coins, mentioned in the first section thereof, shall, at the end of the next session of Congress, after three years from the 1st day of January, 1798, *cease to be a tender*, it will be discerned that the first section stands completely repealed, as it respects the legal tender of foreign coins; for the act of the 30th of April, 1802, suspends the operation of the second section only of said act, without reviving the first section.

The legal state of things in the United States, in respect to the currency of foreign coins, then, is as follows, viz: From and after the 3d day of May, 1802, (the end of the session of Congress mentioned in the act of February, 1798,) no foreign coin whatever has been a legal tender, until 3d May, 1805. From the 3d May, 1805, (at which time the last suspension of the second section of the law regulating foreign coins, expired,) Spanish milled dollars, and parts of such dollars, have been a legal tender.

With this view of the subject, which your committee believe is correct, they cannot discern the policy of *repealing* the second section of the said act, as contemplated by the bill referred to them by the Senate. Were this bill to pass, no money would be a *legal tender* to satisfy debts and demands in the United States, except the gold and silver coins which have issued from their Mint. These coins, the committee believe, are not sufficient in quantity and value for a circulating medium, without the aid of Spanish milled dollars and parts of such dollars.

But, since such great quantities of Spanish milled dollars have been exported, and are still exporting, from the United States, and so great a portion of the remaining foreign gold and silver coins, as well as those issued by the United States, are locked up in the cells of the banks, already numerous, and still increasing; your committee believe that measures ought to be adopted by Congress, to increase the quantity of circulating medium beyond our own coins and Spanish milled dollars and parts of such dollars.

In effecting this object, the committee are sensible that caution is requisite to prevent coins, which may not be of a standard weight and value, from becoming a currency, especially as there seems to have been no assay of foreign coins, which have issued subsequent to the 1st day of January, 1792.

The report was ordered to lie for consideration.

Mr. TRACY gave notice that he would, to-morrow, ask leave to bring in a bill in addition to an act establishing a Mint, and regulating the coins of the United States.

The bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt," was read the third time. And a motion was made to strike out the second proviso in the bill, as amended; and, after debate, the Senate adjourned.

THURSDAY, March 27.

Agreeably to notice given yesterday, Mr. TRACY asked and obtained leave to bring in a bill, in addition to "An act establishing a Mint, and regulating the coins of the United States;" and the bill was read and ordered to the second reading.

The bill making provision for the defence of the Territory of Orleans, and for the disposal of a part of the public land therein," was read the second time as in Committee of the Whole, and

having been amended, was reported to the House accordingly; and on the question, Shall this bill pass to the third reading? the Senate were equally divided, and the PRESIDENT determined the question in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," in which they request the concurrence of the Senate. They insist on their disagreement to the amendment of the Senate to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives;" they agree to the conference desired by the Senate on the said amendment, and have appointed managers on their part; they insist also on their disagreement to the last amendment of the Senate, to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States;" and they agree to the conference desired by the Senate thereon, and have appointed managers on their part.

The bill last brought up for concurrence was read and ordered to the second reading.

Mr. STONE, from the committee appointed on the 25th instant, to consider the bill, entitled "An act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed," reported the bill without amendment.

On motion, it was agreed that the third reading of the bill to carry into effect the provisions of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, be the order of the day for to-morrow.

FRIDAY, March 28.

The President of the United States, on the 31st of December last, approved and signed "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States by virtue of the convention of the 30th of April, 1803, between the United States and the French Republic."

Mr. BRADLEY, from the committee to whom was referred, on the 21st instant, the resolutions relative to William Eaton and others, late officers in the army of the ex-Bashaw of Tripoli, reported the same with an amendment, which was adopted.

Ordered, That the resolution pass to the third reading as amended.

The bill, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," was read the second time, and referred to Messrs. BALDWIN, MITCHILL, SUMTER, BRADLEY, and TRACY, to consider and report thereon.

Mr. ADAMS, from the committee appointed on the 26th instant, to consider whether any, and what, alterations are expedient in the laws relating to the District of Columbia, reported a bill for the regulation of the fees of attorneys and the officers of the courts of the District of Columbia, and for other purposes; and the bill was read, and ordered to the second reading.

The bill in addition to "An act establishing a Mint and regulating the coins of the United States," was read the second time, and referred to Messrs. TRACY, ADAMS, and KITCHEL, to consider and report thereon.

The Senate resumed the second reading of the bill, entitled "An act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed."

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the amendments reported on the 26th instant, to the bill, entitled "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes,' as is contained in the second section thereof:" and the amendments having been adopted, the bill was reported to the House accordingly.

Ordered, That the bill pass to the third reading as amended.

Agreeably to notice given on the 21st instant, Mr. SMITH of Ohio, asked and obtained leave to bring in a bill to suspend the sale of certain lands within the State of Ohio and the Indiana Territory; and the bill was read, and ordered to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government for the year 1806," in which they request the concurrence of the Senate.

The bill first mentioned in the message was read, and ordered to the second reading.

Agreeably to the order of the day the Senate resumed the third reading of the bill to carry into effect the provision of the eighth section of the act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee; and, on the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 19, nays 11, as follows:

YEAS—Messrs. Adair, Adams, Bayard, Bradley, Condit, Gilman, Hillhouse, Howland, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Thruston, Tracy, White, and Wright.

NAYS—Messrs Baldwin, Gaillard, Kitchel, Logan, Maclay, Mitchill, Moore, Plumer, Smith of Tennessee, Turner, and Worthington.

So it was *Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act to carry into effect the provision of the eighth section of the act regulating the grants of land and providing for the disposal of the lands of the United States south of the State of Tennessee."

SATURDAY, March 29.

The bill for the regulation of the fees of the attorneys and the officers of the courts of the District

of Columbia, and for other purposes, was read the second time, and referred to Messrs. ADAMS, BALDWIN, and WRIGHT, further to consider and report thereon.

The bill, entitled "An act making appropriations for the support of Government for the year 1806," was read the second time, and referred to the committee appointed the 28th of January last, to whom were referred the report and estimates of the appropriations necessary for the year 1806, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the amendments reported to the bill, entitled "An act in addition to an act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," and it was agreed further to postpone this bill.

The bill, entitled "An act directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed," was read the third time, and amended, by striking out the word "laying," line 4th, and inserting the word "lying."

Resolved, That this bill pass with an amendment.

The President laid before the Senate an account of moneys expended in fitting up the Senate Chamber for the trial of the impeachment of Judge Chase, signed, for B. H. Latrobe, John Lenthall; and the account was referred to Messrs. BAYARD, ANDERSON, and SMITH of Ohio, to consider and report thereon.

MONDAY, March 31.

Mr. WORTHINGTON, from the joint committee, appointed on the 13th instant, to consider what business is necessary to be done by Congress in the present session, made report; which was read and ordered to lie for consideration.

The bill to suspend the sale of certain lands within the State of Ohio, and the Indiana Territory, was read the second time and referred to Messrs. SMITH of Ohio, BRADLEY, and BALDWIN, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act in addition to an act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war;" and having agreed to the amendments reported by the select committee, the bill was reported to the House accordingly.

Ordered, That it pass to the third reading as amended.

Mr. TRACY reported from the Managers appointed on the part of the Senate, to confer on the amendment to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," disagreed to by the House of Representatives, and the report was in part agreed to, and the further consideration thereof postponed.

The Senate resumed the motion made on the 5th of February last, that it be

Resolved, That the Sergeant-at-Arms of the Senate receive for his attendance at the Court of Impeachment for the trial of Judge Chase, compensation for twenty-seven days attendance, at the rate of five dollars per day; and

Resolved, That the assistant Doorkeeper receive at the rate of two dollars per day during the said trial, to be paid out of the contingent funds of the Senate.

And on the question to agree to the first resolution, it was determined in the affirmative.

And on the question to agree to the second resolution, it was determined in the negative.

Mr. ANDERSON reported, from the Managers appointed on the part of the Senate to confer on the amendment to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," disagreed to by the House of Representatives, "That they have had a conference with the Managers on the part of the House of Representatives, and have agreed that the Senate recede from that part of their amendment of the one hundredth article disagreed to by the House of Representatives, with the following amendment; after the word 'army' add 'but the manner of wearing the hair shall not be considered as a part thereof."

And on motion to adopt the report of the conferees, a division of the question was called for, and so much of the report was agreed to as extends to receding from the amendment insisted on by the Senate.

And on the question to agree to the other member of the report, to wit: "but the manner of wearing the hair shall not be considered as a part thereof:"

It was passed in the negative—yeas 9, nays 21 as follows:

YEAS—Messrs. Anderson, Condit, Gaillard, Holland, Kitchel, Maclay, Sumter, Tracy, and Turner.

NAYS—Messrs. Adair, Adams, Baldwin, Bayard, Bradley, Gilman, Hillhouse, Logan, Mitchill, Moore, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, White, Worthington, and Wright.

So it was *Resolved*, That the Senate recede from their said amendment disagreed to by the House of Representatives.

The bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli, was read the third time; and, after debate, the consideration of the bill was postponed.

The Senate resumed the consideration of the amendment to the Constitution, submitted on the 22d of January last, agreeably to the order of the day; and the further consideration thereof was postponed to the first Monday in December next.

TUESDAY, April 1.

The bill, entitled "An act to regulate so much of the act regulating foreign coins, and for other purposes,' as is contained in the second section thereof," was read the third time as amended, and passed.

Mr. ANDERSON, from the committee to whom the subject was referred, on the 24th instant, re-

ported "a bill for the relief of Gilbert C. Russel;" which was read and ordered to the second reading.

The Senate resumed the report of the committee of conference on the amendment insisted on by the Senate, to the bill, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives."

Resolved, That they so far recede from their amendment insisted on, as to agree to the modification reported by the Managers at the conferrence thereon.

In the last line but one of the said first section thereof, and next after the word "each," the first time the word occurs in the line, insert these words: "the first engrossing clerks, respectively, one thousand two hundred dollars each," and in the same line, between the words "their" and "engrossing," insert the word "other."

The bill, entitled "An act in addition to an act to make provision for persons that have been disabled by known wounds received in the actual service of the United States during the Revolutionary war," was read the third time as amended and passed.

EX-BASHAW OF TRIPOLI.

The bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli, being under consideration, on the question, Shall this bill pass? Mr. BRADLEY having finished his remarks in support of the bill—

Mr. ADAMS said:—Mr. President, when the question was yesterday stated from the Chair, on the final passage of this bill, and I found myself called on to record my assent to or dissent from it, I felt myself bound in duty to call upon the committee by whom it was reported, for the evidence upon which they had rested the claim of Hamet Bashaw to the grant of money which is proposed by the bill to be made to him. Together with the bill the committee had reported, what they term "a brief statement of facts;" upon which they declare the bill itself to be founded, and wherein they consider his claim, not on the generosity, but on the justice of the United States, from his service and sufferings in their cause, and from his having been deceived and amused with the prospect of being placed on his throne, as legitimate Sovereign of Tripoli, and frequently drawn from eligible situations for the purpose of being made the dupe or instrument of policy, and finally sacrificed to misfortune and wretchedness. The bill accordingly makes the grant, expressly in consideration of his services and sufferings in our cause; and, in voting for the bill as it now stands, I should consider myself as sanctioning, as far as my vote would go, the report of the committee, upon which the bill is founded. This I could not do without further information. I thought, sir, and have thought, from the moment when I first saw the report, that the statement it contained, far from being supported by the voluminous documents which have been, in the course of the session, communicated to the Senate, respecting all our transactions with Tripoli, was in many respects contradictory to the whole tenor of those documents; my recollection of the documents was, indeed, only of their general tenor; for, amidst the pressure of the various other important business which we have had before us, I had not found time for a reperusal of them, since I had heard them read at your table. But, of their general complexion, my mind had received a clear and very decided impression, with which I found it impossible to reconcile any part of the committee's report. I presumed, however, that the committee were possessed of evidence, not yet communicated to the Senate, which warranted them in those assertions, which all the papers with which I had been made acquainted tended rather to disprove than to confirm. The chairman of the committee has this day informed the Senate of the grounds upon which the report was drawn up, and has communicated what he considers as the additional evidence in its support. He has also favored us with the arguments upon which he thinks the views of the subject, taken in the report, are fully substantiated. I regret, sir, that neither his arguments nor his evidence have been satisfactory to my mind; but that, after giving them what I deem their full share of weight, I still remain convinced that the report is founded upon a supposed state of facts altogether erroneous, and a view of the whole subject altogether incorrect.

The merits of Hamet Bashaw's claim upon the United States must depend upon the nature of the engagements contracted between the United States and him, and upon the transactions under those engagements. With respect to the nature of the engagements, there is a very striking difference between the statement of the committee and the statement of the President of the United States in his Message of the 13th of January last. The statement of the committee is as much at variance with the ideas of Hamet Bashaw himself as with those of the President, and equally in opposition to those of Commodore Barron and Mr. Lear, as they appear in the printed papers.

With regard to the facts, material to constitute the peculiar character of the ex-Bashaw's claim, the statement of the committee is no less in flat contradiction to the statements of the President, to the acknowledgments of Hamet Bashaw, and to the tenor of the most substantial documents.

As to the nature of the engagements, the committee represent Hamet Bashaw as having been inveigled, deceived, amused with promises to place him on his throne, and finally betrayed and sacrificed. They appear to think the United States were bound, at all events, and, by their exclusive exertions, to restore him to his dignity, and that the mere act of withdrawing their aid, without accomplishing that object, was a treacherous violation of their faith plighted to him.

The President's Message says: [Mr. BRADLEY objected against the reading of the Message, as out of order, it being incompatible with the rules to adduce the opinions of the Executive, to influence the opinion of the Senate. On appeal to the Chair, Mr. ADAMS stated that he did not propose to read the opinions of the Executive, but a

statement of facts by the Executive, for the purpose of showing that it was contradictory to the statement of facts reported by the committee, and with the further view of showing, by the acknowledgment of Hamet Bashaw, and the other documents before the Senate, that the statement of the Executive was the correct one. The PRESIDENT of the Senate decided that he might proceed.]

The President's Message says: "During the 'war with Tripoli, it was suggested that Hamet 'Caramalli, elder brother of the reigning Bashaw, 'and driven by him from his throne, meditated 'the recovery of his inheritance, and that a con-'cert in action with us was desirable to him. We 'considered that concerted operations by those 'who have a common enemy were entirely justi-'fiable, and might produce effects favorable to 'both, without binding either to guarantee the 'objects of the other."

Here, sir, from the President himself, we are told, not that Hamet Bashaw had been deceived, amused, and "drawn from eligible situations," but that the concert of operations was first suggested as desirable to him. Not that the Government ever had a thought of pledging the United States to restore him to his throne, but merely that a concert in action was intended, leaving each party perfectly at liberty as respected the object of the other. The committee, therefore, have altogether mistaken the first negotiations with Hamet; and Mr. Eaton's letters of the 5th of September and 13th of December, 1801, prove the correctness of the President's statement.

The report of the committee asserts, that the agents of the United States in the Mediterranean in August, 1801, entered into a convention with Hamet, to obtain a permanent peace with Tripoli, to place the ex-Bashaw on his throne, and procure indemnification for all expense in accomplishing the same. That this agreement was renewed in November following, and that, in 1802, "when the 'reigning Bashaw had made overtures to the ex-'Bashaw to settle on him the two provinces of 'Derne and Bengazi, and when the ex-Bashaw 'was on the point of leaving Tunis, under an es-'cort, furnished by the reigning Bashaw, the 'agents of the United States prevailed on him to 'abandon the offer, with assurance that the Unit-'ed States would effectually co-operate, and place 'him on the throne of Tripoli."

Now, sir, it is impossible to understand the report any otherwise than intending to convey the idea that these conventions, made by the agents of the United States were authorized and sanctioned by the Government, and the offer of the reigning Bashaw, the escort, the settlement of the two provinces, are represented as one of those eligible situations, which he was prevailed upon to abandon by the agents of the United States, with the promise of his throne.

What is the fact? The conventions alluded to were made by Mr. Eaton, and, instead of being sanctioned, were expressly disavowed by this Government.

[Mr. WRIGHT here said, that Mr. ADAMS was mistaken; and was proceeding to object, when the PRESIDENT of the Senate observed to him that he would have an opportunity to reply after Mr. ADAMS should have finished, and desired the latter to proceed.]

Sir, said Mr. A., the chairman of the committee, the gentleman who drew up the report, will not deny that the conventions, of which I am speaking, were those made in 1801 by Mr. Eaton. [Mr. BRADLEY admitted they were.] Well, sir, I shall now show you that Mr. Eaton's authority was expressly disavowed by this Government.

My evidence in proof of this, is a letter from the Secretary of the Navy, dated 28th of August, 1804, to Commodore Morris, then the authorized superintending agent for negotiating with the Barbary Powers. I take it from a pamphlet, published by Commodore Morris himself. It is not among the documents communicated to us this session by the President, but its authenticity has never been denied; and if any gentleman here now questions it, I shall move for a regular call upon the head of the Navy Department, to remove the doubt. It contains the following words: "In adjusting the terms of peace with the Dey of 'Tripoli, whatever regard may be had to the situ-'ation of his brother, it is not to be considered by 'you of sufficient magnitude to prevent, or even 'to retard a final settlement with the Dey. Mr. 'Eaton, in this affair, cannot be considered an au-'thorized agent of the Government."

At the same time, Mr. Eaton, Mr. Cathcart, and Commodore Morris, were all informed, by despatches from the Secretary of State, of the real nature of the engagements which this Government were willing to make. These were a concert of operations in measures of hostility against the reigning Bashaw, without pledging either party to the cause of the other.

Let us now see what was the real nature of those magnificent offers of the reigning Bashaw to his brother—the armed escort, and the two provinces—upon the abandonment of which, under the influence of our agents, the report raises such a fund of merit and sacrifice on the part of Hamet. The committee take this circumstance from a statement made by Mr. Eaton to the Committee of Claims, in February 7, 1804, printed among the documents of that season. Largely as the chairman of the Committee has drawn from that statement in making his report, it is singular that the following passage in it, page 16, has escaped his attention:

"Meantime, I had wrought upon the Bey's Minister to countenance and aid my project, in consideration of my promise to give him $10,000, on condition of his fidelity, and in case of its success. I thought it good policy to secure the Minister; not so much for the service he would render, as to check the mischief which seemed impending. He confessed it was the intention of the enemy Bashaw, by this illusive overture, to get possession of the rival brother in order to destroy him; and he permitted my dragoman, under an injunction of secrecy, to communicate the design to Hamet Bashaw. This determined him to go to Malta, under a pretext to his people of evading the Swedish and American cruisers."

And are these the overtures? Is this the eligible situation, of such precious value to the ex-Bashaw, that this nation, or its Government, is to be charged with perfidy and treachery because our agents prevailed upon him to abandon them? Even so! The reigning Bashaw sends an escort of forty men, with offers of two provinces, to his exiled brother, for the sole purpose of getting him into his possession to destroy him. Our agents discover the project; apprize the destined victim of his intended fate; rescue him from inevitable destruction—and now, we are to be told, that by this act, we were not conferring, but receiving an obligation, which bound us in honor and duty to restore him to his throne.

The report asserts that the Committee of Claims expressed their decided approbation of Mr. Eaton's official conduct in these transactions, and the gentleman, (Mr. BRADLEY,) in his argument this day, has very strenuously insisted on this circumstance as a proof that this Government had then sanctioned them. But the approbation of the Committee of Claims is not thus extensive. It is expressed in a manner which peculiarly confines their applause to his official conduct in his consular agency. He was Consul at Tunis, and the Secretary of the Navy, as I have shown, had explicitly denied his authority for his conventions with Hamet Bashaw.

Thus much, sir, for the nature of the transactions between the agents of the United States and the ex-Bashaw, prior to the year 1804, when Commodore Barron with his squadron were sent into the Mediterranean, and when he was vested with discretionary powers to avail himself of Hamet's co-operation, and referred to Mr. Eaton as an agent sent out by Government for that purpose.

This discretionary power of Commodore Barron, the chairman of the committee has this day strongly contended was altogether unlimited, and such is the idea given of it in the report; but this I apprehend to be a mistake of the utmost importance. It is in direct contradiction to the statement of the President's Message, and to the testimony of Commodore Barron himself. The President's Message says:

"We authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet, if he should deem it useful; and as it was represented that he would need some aid of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. The instructions of June 6th, to Commodore Barron, show that a co-operation only was intended, and by no means an union of our object with the fortunes of the ex-Bashaw; and the Commodore's letters of March 22, and May 19, prove that he had the most correct idea of our intentions."

These letters of Commodore Barron are both to Mr. Eaton; the first in answer to one from him dated the 18th of February, mentioning his intended convention with Hamet, which was not then reduced to writing. Here the Commodore says:

"In the point of view in which I regard the measures already pursued, as well as the subject of the co-operation generally, I conceive we ought to tread with the utmost caution. It is far from my wish, sir, to damp your ardor, or that of your companions in arms, by laying too great a stress upon the cold maxims of prudence, whereby the tide of success is often lost; something, I am aware, should always be left to fortune, in enterprises of this nature; but I must own there are certain things, expressed in your despatches, which, when brought to the test of my instructions from home, give birth to feelings of doubt and uneasiness; these I deem it incumbent on me to point out to you with candor and explicitness, in order that we may be fully understood. You must be sensible that in giving their sanction to a co-operation with the exiled Bashaw, Government did not contemplate the measure as leading, necessarily and absolutely, to a reinstatement of that prince in his rights on the Regency of Tripoli. They appear to have viewed the co-operation in question as a means, which, if there existed energy and enterprise in the exile, and attachment to his person on the part of his former subjects, might be employed to the common furtherance and advantage of his claims and our cause, but without meaning to fetter themselves by any specific and definite attainment as an end, which the tenor of my instructions and the limited sum appropriated for that special purpose, clearly demonstrate. I fear, by the convention which you were about to enter into with Hamet, and by the complexion of other measures, that a wider range may have been taken than is consistent with the powers vested in me for that particular object. These apprehensions may, perhaps, prove groundless, on further representations from you; but, under my present impressions, I feel it my duty to state, explicitly, that I must withhold my sanction to any convention or agreement committing the United States, or tending to impress upon Hamet Bashaw a conviction that we have bound ourselves to place him upon the throne. The consequences involved in such an engagement cannot but strike you forcibly, and a general view of our situation, in relation to the reigning Bashaw and our unfortunate countrymen in Tripoli, will be sufficient to mark its inexpediency.

"I wish you to understand that no guarantee or engagement to the exiled Prince, whose cause, I must repeat, we are only favoring as an instrument to our advantage, and not as an end in itself, must be held to stand in the way of our acquiescence to any honorable and advantageous terms of accommodation which the reigning Bashaw may be induced to propose; such terms being once offered and accepted by the representative of Government appointed to treat of peace, our support to the ex-Bashaw must necessarily cease."

This letter was written upwards of a month before the capture of Derne. I have read thus much of it, because it elucidates most clearly what the intention of the Government was, and shows that this intention was perfectly well understood by Commodore Barron. Mr. Eaton also was aware that the discretion of the Commodore was by no means unlimited as to the sum of money appropriated to this object. That sum was twenty thousand dollars; but after the capture of Derne he answered the Commodore's letter; informed him that nearly thirty thousand dollars had been already spent in getting thus far; called for a further large supply for the purpose of reaching the gates of Tripoli, and even when arrived there, expects the Bashaw could "effect little, without more

'military talents and firmness than exists either in 'himself or the hordes of Arabs who attach them-'selves to him."

The Commodore's letter of May 19, is in reply to this, and says:

"The business is now arrived at that point where, if the Ex-Bashaw, after being put in possession of Derne, his former government, and the district in which his interest is most powerful, has not in himself energy and talent, and is so destitute of means and resources, as not to be able to move on with successful progress, seconded by our naval force acting on the coast, he must be held unworthy of further support, and the co-operation as a measure too expensive and burdensome, and too little pregnant with hope or advantage, to justify its further prosecution; for whatever, sir, may have been once the intentions of Government on this subject, and whatever your ideas touching those intentions, I feel that I have already gone to the full extent of my authority. The instructions from the Navy Department, on this particular point, with which you are not unacquainted, fall short of that unlimited discretion and power of application, as relates to funds, insisted on in your letter, and are totally silent in regard to the quantity and description of supplies and stores, which you mention to have been in the contemplation of Government to furnish to the Bashaw."

Thus, sir, the discretionary power of Commodore Barron, to avail himself of Hamet's co-operation, was not unlimited—neither by the intention of the Executive, nor in his own understanding. It was limited both as to the nature of the engagement he was to contract, and as to the sum appropriated for the purpose; co-operation is a term of reciprocal import—it certainly means that there should be some operation on both sides. The operation in this case by sea, was to be conducted entirely and exclusively by the squadron of the United States. Hamet Bashaw could contribute, and was expected to contribute, nothing to that. His operation was to be by land; and, upon principles of ordinary reciprocity, it might have been required that this also should be exclusively at his expense. The Government, however, were willing to furnish him some aid even there. And the sum of twenty thousand dollars had been appropriated for that purpose. This was going as far as prudence would warrant, or as good faith could require. Hamet himself could have entertained no other expectation, since, in his letter to Mr. Eaton, of 3d January, he says: "Your operations should be carried on by sea; mine by land." And even after the peace was made, in his letter to Mr. Eaton, of 20th June, he acknowledges, as clearly as language can express it, that the failure of co-operation was not on our part, but his own; that his means had not been found to answer our reasonable expectations; and that he was "satisfied with all our nation has done concerning him."

Indeed, sir, I know not upon what principle of common sense, Commodore Barron could have given to his instructions that unbounded extension which the committee has found in them. The subject of availing himself of Hamet's co-operation, was committed entirely to his discretion, and $20,000 were placed at his disposal for that purpose. Could he possibly understand by this, that after $30,000 had been expended in getting the ex-Bashaw to Derne, $50,000 more should be called for to carry him before the walls of Tripoli, and then be able to do nothing unless men were furnished from the squadron to lead a *coup de main?* What sort of co-operation is this, in which one party does everything and the other thing? Was it possible for the Commodore to suppose that the co-operation was to be with ourselves? and that the meaning of "your operations are to be by sea, and mine by land," is, your operations are to be both by sea and land; mine by neither!

The next assertion of the report, for proof of which I am still to inquire, is, that even after the aid of the Americans was withdrawn from Hamet Bashaw, he "would, without the hazard of a re-'pulse, have marched to the throne of Tripoli, 'had he been supported by the co-operation of the 'American squadron, which in honor and good 'faith he had a right to expect." Compare this, sir, with the statement in the President's Message: "In the event it was found that, after placing the 'ex-Bashaw in possession of Derne, one of the 'most important cities and provinces of the coun-'try, where he had resided himself as Governor, 'he was totally unable to command any resources, 'or to bear any part in co-operation with us. This 'hope was then at an end; and we certainly had 'never contemplated, nor were we prepared, to 'land an army of our own, or to raise, pay, or 'subsist an army of Arabs, to march from 'Derne to Tripoli, and to carry on a land war, 'at such a distance from our resources. Our 'means and our authority were merely naval; 'and that such were the expectations of Hamet, 'his letter of June 29 is an unequivocal acknow-'ledgment."

If Hamet, after the capture of Derne, was totally unable to command any resources, or bear any part in co-operation with us, how can it be said that he would, without the hazard of a repulse, have marched to the throne of Tripoli, had he been supported by the co-operation of our squadron? But, further, I ask what were the means, what were the resources, of this sovereign Prince, from the hour when Mr. Eaton received his orders to withdraw from him? The event sir, is worth a thousand arguments. He could not support himself a day. He was compelled to take instantaneous refuge on board our vessels, and was saved from destruction only by being brought away. Does this look like marching to the throne of Tripoli?

The next, and most exceptionable of all the errors contained in this report, is the imputation it casts upon the characters, and the wounds it must inflict upon the feelings, of highly confidential officers of this Government—one of them absent from the country, at the distance of four thousand miles, unable to defend himself, and without a friend, to my knowledge, to defend him here. The other an officer universally respected, laboring under a long and painful illness, whose infirmities should rather have added sanctity to the

claim of delicacy with which individual character ought to be treated.

[Mr. WRIGHT here said the report was misrepresented. That he had treated Commodore Barron's character with perfect respect.]

Mr. ADAMS resumed. I am aware, sir, that the report has very explicitly declared that no blame ought to attach to Commodore Barron; but it has also declared that a wasting sickness, and consequent mental as well as bodily debility, had rendered him totally unable to command the squadron; that to this cause alone may be attributed the final failure of the plan of co-operation; that Mr. Lear appears to have gained a complete ascendency over him, thus debilitated by sickness; or rather that Lear, having assumed the command, in the name of the Commodore, paralyzed every military operation by sea and land; and they go so far as to impute to Mr. Lear all the letters of Commodore Barron, subsequent to that of 21st of March, 1805. If the gentleman from Maryland considers all this, sir, as perfectly respectful to the Commodore, I can only say that it appears in a different light to me, nor do I imagine it will bear that complexion to the person immediately interested in it. But the chairman of the committee has gone yet further. He has told you, in so many words, that the Commodore was reduced to a state of perfect childhood; has represented him as equally incapable of thought and of action; in a mere state of dotage. And all this upon what evidence? Why, because, in one of his letters, Commodore Barron says he is unable to write with his own hand; and because, from the 19th to the 22d of May, there appear among the documents, five letters, long letters, says the gentleman, and yet the Commodore's secretary had an inflammation in his eyes. Sir, is it possible the gentleman could be serious in dwelling upon, and repeatedly recurring, as he did, to this, as a proof of incapacity in the Commodore, and of criminality in Mr. Lear? Whether he was serious or not, I cannot tell; but his reasoning had no serious impression upon my mind; and when a cause rests upon such arguments as these, it is a strong presumption of its destitution of any better.

[Mr. BRADLEY here said Mr. ADAMS had mistaken him; that his argument had dwelt upon Captain Dent's testimony.]

Mr. ADAMS replied—Sir, every member of the Senate who now hears me, heard what that gentleman had said before. I appeal to them whether he did not urge repeatedly, with great apparent zeal and earnestness, the Commodore's illness and the secretary's sore eyes, as a proof that Mr. Lear must have written all the Commodore's letters; if he did, I am now replying to what he said; if he did not, I am content that what I am saying should pass for absurdity. Suppose the Commodore was unable to write with his own hand, or even to dictate to another every line and sentence of those letters, if the leading ideas were his, might they not be written by any other? Suppose his secretary had sore eyes, was there no other person in the squadron who could read and write but Mr. Lear? Surely, sir, all the common sense and common capacities of the whole squadron, was neither dissolved by the Commodore's illness, nor consumed by the inflammation of his secretary's eyes. As to Captain Dent's testimony, it appears to me that the inference drawn from it in the report, is much more broad and comprehensive than the testimony itself will warrant. With Captain Dent, I have not the pleasure of an acquaintance, and I certainly never heard a syllable to the disparagement of his character. But, sir, permit me to observe, that the letter from him on which the chairman of the committee relies, was not cotemporary with the occurrences to which it alludes; it is a sort of postliminary evidence, drawn up since the appointment of the committee, and doubtless obtained for the purpose of corroborating the view of things previously taken. It is unfortunately too notorious, that among the officers employed in the Mediterranean service, there has been a division into parties, and that a very animated party spirit has mingled itself in all the narratives which have been published and circulated in conversations respecting their transactions. In all such cases, persons influenced by such feelings, though of unimpeachable integrity and of clear understanding, are seldom altogether free from a certain bias. Some allowance must always be made on such occasions, and testimony the most unquestionable on the score of uprightness, must be susceptible of some deduction from the medium through which things are seen. Yet what is the amount of Captain Dent's testimony? In the first place, it is little more than mere opinion. It was the opinion of the officers in the squadron; and it was his own opinion, that Mr. Lear had a great ascendency over the Commodore in his measures relative to the squadron. And on what was this opinion founded? Why, on Mr. Lear's intimacy with him during his debilitated state. Well, sir, and with whom should the Commodore have entertained this intimacy, if not with Mr. Lear? A mutual consultation upon the conduct of the war, and upon the negotiation of the peace, was enjoined upon both by their instructions. What could be more natural, what more proper than this intimacy? and if Mr. Lear did obtain an ascendency to the full extent of Captain Dent's opinion, why is it to be charged upon him as a crime? Let me go one step further. I entreat every member of the Senate to read over attentively those letters communicated to us as Commodore Barron's, but which the report insists upon considering as Mr. Lear's, and then say whether it is at all material who wrote them. Sir, there is in them a fund of good sense, of sober discretion, of clear discernment, of anxious regard for the public welfare, and of vigilant attention to the public interests, which bespeaks an origin from a sound head and a well placed heart. I care not who wrote them; I do not hesitate to say that no official documents presented to the Senate since I have had the honor of a seat in this body, have been stamped with more sterling intrinsic value. The arguments in the letters to Mr. Eaton, on the subject of the co-operation with Hamet Bashaw, and on the subject of Mr. Eaton's

measures, are, to my mind, not only substantial, but unanswerable. Those in the letter to Mr. Lear, on the subject of negotiation with the reigning Bashaw, are cogent and forcible. The report of your committee indeed calls them pretended reasons, and imputes them to Mr. Lear. It says, the committee will not condescend to enter into a consideration of them. Sir, I am very sorry for it. I believe sincerely, that if they had condescended thus far, they would have found the reasons were solid and weighty; that they were well deserving of all the consideration which they thought proper to deny them. They did condescend to speak the language of reproach and bitter censure upon an officer of high trust and confidence, far distant from his country, and thus unable to defend himself. They did condescend thus to accuse him in the face of the President's Message, which declares that he had perfectly understood, and faithfully executed, the real intentions of the Executive whose minister he is. They did condescend to condemn him unheard, upon evidence, to say the least, very questionable; and I cannot think it would have been unbecoming their dignity, to give a moment of consideration to the reasons alleged for his conduct. That condescension which the committee denied him, I hope this Senate will freely grant. It will exalt rather than debase even the Senate of the United States, to consider the reasons alleged in behalf of a fellow-citizen, and fellow-servant of the public, accused of having betrayed his trust and disgraced his country. It is the more surprising, sir, that the committee should have treated with such contempt the reasons for negotiating the peace, when we find by their own statement that the first of these reasons is the danger of the American prisoners in Tripoli. The committee say they think it had no foundation; but if this was their opinion, might not Commodore Barron and Mr. Lear, without being idiots or traitors, have another? It is indeed a little singular that the letter from Commodore Rodgers, which the chairman of the committee has read you, is itself conclusive evidence that the danger in which the prisoners might be, was the decisive reason for concluding the peace. He says, indeed, that he never thought the prisoners in danger, himself; but he explicitly declares that the apprehension of what the Bashaw in his despair might do with them, was the preponderating impulse to the negotiation. The report also contains an extract from a letter of Lieutenant Wormeley, then himself a prisoner, and who likewise says that he does not think their lives were in danger. Well, sir, and what does this prove? That Lieutenant Wormeley is a man of intrepidity, not easily terrified. Of this I have no doubt; but it proves no more; for in the same letter he says he was all the time in close confinement, and had very little means of knowing what the Bashaw's intentions were, or what he was likely to have done. On the other hand, you have the testimony of Captain Bainbridge, and of the Danish consul, Nissen. The chairman of the committee tells you that Captain Bainbridge says nothing of that import himself; but Mr. Nissen says it, in a postscript to a letter written by Captain Bainbridge, and which he therefore must have known of before it was sent; and, besides this, there are several other letters of Captain Bainbridge, among the unprinted documents, in which he assumes the style of a strong suppliant for peace. To the same effect is the following extract from Mr. Lear's letter to the Secretary of State, giving an account of the negotiation—"At 11 A. M., June 1st, our unfortunate 'countryman, Captain Bainbridge, came on board, 'who had been permitted to come off under the 'guaranty of the Danish consul, and Sidi Mahomet Dghies, the Minister of Foreign Affairs. He 'assured me that the Americans would not be 'delivered until a treaty of peace should be made 'with the Bashaw, as peace was more his object 'than the sum he might get for the captives; and 'as it was our intention to conclude a treaty, it 'would be cruel to let our countrymen languish in 'captivity, merely on the punctilio of negotiating 'a treaty before or after their delivery, as whatever 'related to them was already understood." The chairman of the committee has told us that Mr. Nissen, who was merely a consul, could not be so well informed as Mr. Wormeley, whether the prisoners were in danger or not. How his testimony can lose any of its weight from his being a consul, I am at a loss to imagine. He was indeed a consul; he was also that friend of our country, that friend of humanity, whose benevolence and kind attentions to our fellow-citizens in captivity have been acknowledged by a solemn vote of thanks passed by both Houses of Congress during the present session; and from his situation at the time, I should suppose his means of information must have been greater than those of a prisoner in close confinement. Besides, sir, although we now are acquainted with Mr. Wormeley's opinion, it could not be known to Commodore Barron or Mr. Lear, then. He had no access to them, nor they to him. They acted on the information they had, and not on that which they could not have. I will indeed freely acknowledge that my own opinion agrees with that of Mr. Wormeley, and not with that of Mr. Nissen; I do not believe that in any event the Bashaw would have sacrificed the lives of our prisoners. I believe he would have followed the course most useful to himself, and that, at the last extremity, he would rather have turned them to such account as he could, and given them up for peace rather than put them to death. This may have been an error in Mr. Lear; but as far as I can find from the papers before us,

> "The very head and front of his offending
> Had this extent—no more."

Yet, sir, when I consider the extreme solicitude manifested through this whole country for the fate of these our unfortunate fellow-citizens, and how anxious we all were for their redemption, I can excuse that error which consisted in too tender a regard for their situations, though I cannot justify it altogether; I certainly never can brand as treachery, what, at worst, was virtue carried too far, on the borders of weakness.

The President's Message, after stating what were really the intentions of this Government in respect to a co-operation with Hamet—after stating that Commodore Barron had most correctly understood these intentions, refers to Hamet's letter of June 29th, as a proof that he himself had also understood them, and our engagements with him in the same manner; but the report of the committee, after tacitly rejecting the declaration of the President, after undertaking to disqualify Commodore Barron by his illness, concludes with disqualifying Hamet himself, because he was among strangers, in distress, and in fear of starving. They discredit alike both the parties to the contract, and the only person authorized to the negotiation. Commodore Barron was not a moral agent, for he was sick. The ex-Bashaw was not a moral agent, because he was famished. Why the President was not to be credited, they have indeed left us to conjecture; but it is a new mode of establishing facts, to deny the powers of moral agency to all the persons, who are the best possible witnesses to the transactions.

The last assertion of the report, for which I can find no sufficient support in the documents before us, and which I shall now notice, is, that the stipulation of the reigning Bashaw, to deliver up his brother, his wife, and children, has not been carried into execution, and that "it is highly probable it was never intended to be." That they have not been delivered up, I suppose to be true. That they have been demanded, does not appear. That they could be demanded before the ratification of the treaty, is at least questionable; but that they will be demanded and obtained, I do trust and believe, for I hope the ratification of the treaty will give us a perfect right to make the demand. I cannot believe, sir, that it was not intended to be executed. Upon what evidence did the committee form this opinion? Was it upon the assertion in Mr. Eaton's letter to the Secretary of the Navy? That, sir, must, I think, be founded upon some mistake; for it intimates that there was a secret article to that effect. Now, sir, we know that this could not be; as an article of the treaty, if secret, we must have known it in this body. It must have been communicated to us. We know that there is no such article as an agreement between the Bashaw and Mr. Lear, no such agreement could take place. Mr. Lear could not possibly make it. Had he incurred the guilt and folly of assenting to such a bargain, it could not take from us the right of insisting, as I hope we shall effectually do, upon the real and formal stipulation of the treaty. Such an intention must have defeated itself.

There are many other facts stated in this report, sir, against the correctness of which objections might be made, but which, as being of minor importance, I leave unnoticed. There may be, and probably are, others which have escaped my observation. According to my view of the documents, the embarrassment would be, not in selecting those, but in finding any to which the conviction of my mind could assent. Had the bill been constructed upon the only foundation which can, in my opinion, warrant a grant to Hamet Caramalli, I mean the foundation recommended by the President's Message—the liberality and magnanimity of the nation—it would have had my willing vote. But, questionable as the statement of the report appears to me, I see no such principles of duty arising from it, as it alleges, and must therefore vote against the passage of the bill.

WEDNESDAY, April 2.

The bill for the relief of Gilbert C. Russel was read the second time, and ordered to the third reading.

Mr. WORTHINGTON, from the committee to whom was referred, on the 28th of February last, the bill, entitled "An act to continue in force an act, entitled An act to authorize the Secretary of War to issue land warrants, and for other purposes," reported the bill with amendments; which were read and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have proceeded to consider the modification of the amendment of the Senate to the bill, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives;" whereupon, *Resolved*, That the House of Representatives doth disagree to the said modification, and doth adhere to their disagreement to the said amendment. They have passed a bill, entitled "An act supplementary to the act, entitled 'An act to extend jurisdiction, in certain cases, to the Territorial courts;" also, a bill, entitled "An act to provide for the adjustment of titles of land in the Territory of Michigan and for other purposes;" in which bills they desire the concurrence of the Senate.

The two bills last mentioned were read, and ordered to the second reading.

Mr. BAYARD, from the committee to whom was referred, on the 29th of March last, the account of expenses for fitting up the Senate Chamber, for the trial of the impeachment of Judge Chase, signed, for B. H. Latrobe, John Lenthall, made report; which was read, and ordered to lie for consideration.

The Senate resumed the third reading of the bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli; and, on motion to amend the bill, the Senate adjourned.

THURSDAY, April 3.

The resolution reported by the committee, appropriating a sum to discharge the account for fitting up the Senate Chamber for the trial of the impeachment of Judge Chase, was read the second time, and passed to the third reading.

Mr. BAYARD asked and obtained leave of absence for the remainder of the session.

The bill, entitled "An act supplementary to the act, entitled 'An act to extend jurisdiction in certain cases to the Territorial courts," was read the second time, and referred to Mr. MITCHILL, Mr. ADAMS, and Mr. TURNER, to consider and report thereon.

The bill, entitled "An act to provide for the adjustment of titles of land in the Territory of Michigan, and for other purposes," was read the second time, and referred to Mr. TRACY and others. the committee to whom was referred, on the 23d of December last. the Message of the President of the United States on this subject, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the amendments reported to the bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes," and having in part adopted the report, the bill was amended and reported to the House accordingly.

Ordered, That the bill pass to the third read ing as amended.

Ordered, That Mr. BRADLEY be on the committee appointed to consider the bill, entitled "An act authorizing a detachment from the militia of the United States," in place of Mr. SMITH of Maryland, President *pro tempore*.

The bill for the relief of Gilbert C. Russel was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to amend the act entitled 'An act to divide the Indiana Territory into two separate governments,' and for other purposes;" also, a bill, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1806;" in which bills they desire the concurrence of the Senate.

The bills were read, and ordered to the second reading.

The Senate took into consideration the resolution of the House of Representatives, adhering to their disagreement to the amendment of the Senate to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," to wit: the insertion of a section to follow the first section of the original bill.

Resolved, That the Senate recede from their said amendment.

The Senate resumed the third reading of the bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli;" and, on motion, that the bill, together with the report of the committee of the 17th of March last be recommitted, it passed in the affirmative—yeas 15, nays 14, as follows:

YEAS—Messrs. Adams, Baldwin, Condit, Gaillard, Gilman, Howland, Kitchel, Logan, Moore, Plumer, Smith of New York, Smith of Vermont, Stone, Sumter, and Turner.

NAYS—Messrs. Adair, Anderson, Bayard, Bradley, Hillhouse, Maclay, Pickering, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Tracy, White, Worthington, and Wright.

And, on motion, it was agreed that they be referred to the committee who brought in the bill. with the addition of Messrs. ADAMS and SUMTER further to consider and report thereon.

Mr. SMITH of Ohio, from the committee to whom was referred, on the 31st of March last, the bill to suspend the sale of certain lands in the State of Ohio and the Indiana Territory, reported the bill without amendment.

On motion,

Resolved, That the letters of Mr. Eaton, Captain Dent, and Lieutenant Wormeley, in answer to the inquiries stated by the chairman of the committee on the application of Hamet Caramalli, be printed, together with the following letters, to wit:

From Commodore Rodgers to the Secretary of the Navy, of the date of June 8, 1805.

From Hamet Bashaw to Commodore Barron, of February 15, 1805.

From Commodore Barron to Hamet Bashaw, of March 21, 1805.

From Commodore Barron to Captain Hull, of March 23, 1805.

From William Eaton to Commodore Barron, of May 29, 1805.

From Commodore Rodgers to William Eaton, of June 5, 1805.

The remainder of the letter from Tobias Lear to William Eaton, not published before, of June 6, 1805.

From William Eaton to Commodore Rodgers, June 13, 1805.

From Tobias Lear to the Secretary of State, dated July 5, 1805.

From the Secretary of State to Tobias Lear, dated June 6, 1804.

FRIDAY, April 4.

The bill entitled "An act making appropriations for the support of the Military Establishment of the United States for the year 1806," was read the second time, and referred to Messrs. STONE, BALDWIN, and ADAIR, to consider and report thereon.

The bill, entitled "An act to divide the Indiana Territory into two separate governments, and for other purposes," was read the second time, and referred to Messrs. WORTHINGTON, TRACY, and BALDWIN, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes,' as is contained in the second section thereof," with amendments to the amendments, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France;" also, a bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" in which bills they request the concurrence of the Senate. They have passed a joint resolution "that a committee be appointed to confer with a committee of the Senate, on the time that the two Houses of Congress may adjourn."

The two bills last mentioned in the message were read, and ordered to the second reading.

Mr. MITCHILL presented the petition of Azariah Egleston and others, praying that a post road may be established, for reasons stated in the petition from the city of Albany, in the State of New York,

to the city of Hartford, in the State of Connecticut, on the Farington river road; and the petition was read, and ordered to lie for consideration.

The Senate took into consideration the amendments of the House of Representatives to their amendments to the bill, entitled "An act to regulate so much of the act, entitled 'An act regulating foreign coins, and for other purposes,' as is contained in the second section thereof;" and concurred therein.

The Senate resumed the second reading of the bill to suspend the sale of certain lands in the State of Ohio and the Indiana Territory;" and,

Ordered, That it pass to a third reading.

Mr. TRACY, from the committee to whom was referred, on the 28th of January last, the report and estimates of appropriations necessary for the year 1806, asked and obtained leave to report by bill.

The resolution of the House of Representatives for the appointment of a joint committee to confer on the time Congress may adjourn, was read, and ordered to lie for consideration.

The Senate resumed the third reading of the bill entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt;" and on motion to strike out the first section of the bill, as follows:

"*Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, shall, from and after the 30th of April, 1806, be repealed: *Provided*, That the right of all persons who may have purchased public lands previous to the passage of this act, to pay for the same in stock, shall in no wise be affected or impaired: *And provided further*, That there shall be allowed on every payment made at or before the same shall fall due, for the lands purchased before the 30th of April, 1806, in addition to the discounts now allowed by law, a deduction equal to the difference at the time of such payment, between the market price of six per cent. stock and the nominal value thereof; which market price shall, from time time, be stated by the Secretary of the Treasury to the officers of the several land offices:"

It passed in the negative—yeas 7, nays 21, as follows:

YEAS—Messrs. Adair, Adams, Hillhouse, Pickering, Smith of Maryland, Tracy, and White.

NAYS—Messrs. Anderson, Baldwin, Bradley, Condit, Gaillard, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Plumer, Smith of New York, Smith of Tennessee, Smith of Vermont, Stone, Sumter, Thruston, Turner, Worthington, and Wright.

On motion to agree to the final passage of the bill as amended, it passed in the affirmative—yeas 22, nays 6, as follows:

YEAS—Messrs. Anderson, Baldwin, Bradley, Condit, Gaillard, Howland, Kitchel, Logan, Maclay, Mitchill, Moore, Plumer, Smith of New York, Smith of Tennesssee, Smith of Vermont, Stone, Sumter, Thruston, Tracy, Turner, Worthington, and Wright.

NAYS—Messrs. Adair, Adams, Hillhouse, Pickering, Smith of Maryland, and White.

So it was resolved that this bill pass as amended.

The resolution authorizing the payment of the account for fitting up the Senate Chamber for the trial and impeachment of Judge Chase, was read the third time, and agreed to, as follows:

Resolved, That the sum of eight hundred and three dollars and seventeen cents and a half be appropriated, out of the contingent fund, to be applied by the Secretary of the Senate in payment of the balance of the accounts allowed by the President of the Senate for expenses attending the trial of the impeachment of Judge Chase, and remaining unpaid; and to the list of accounts relative to the same object, furnished by John Lenthall for B. H. Latrobe, countersigned by the chairman of this committee.

On motion,

Resolved, That the following documents be printed in addition to those ordered to be printed yesterday:

A letter from Captain W. Bainbridge to Commodore S. Barron, dated 16th March, 1805.

A letter from the Danish Consul, Nissen, to Commodore S. Barron, dated 18th March, 1805.

Letters from Captain W. Bainbridge, to Commodore S. Barron, dated 22d March, 1805, and 1st April.

A letter from S. Barron, to T. Lear, dated 22d May, 1805.

A letter from S. Baron, to John Rodgers, dated 22d May, 1805.

A letter from S. Barron, to John Rodgers, dated 25th May, 1805.

Letters from Commodore John Rodgers, to Commodore S. Barron, dated 28th, 29th, and 30th May, 1805.

A letter from the same, to the same, dated 3d June, 1805.

The bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes," was read the third time as amended.

Resolved, That this bill pass as amended.

Mr. BALDWIN, from the committee to whom was referred, on the 28th of March last, the bill, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," reported the same with amendments; which were read.

The Senate resumed the consideration of the bill for the encouragement of the shipping and navigation of the United States; and the bill was postponed to the first Monday in December next.

The bill making provision for the defence of the Territory of Orleans, and for the disposal of a part of the public land therein, was resumed, and the further consideration of the bill was postponed to the first Monday in December next.

Mr. MITCHILL, from the committee to whom was referred, on the 24th of March last, the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," reported it without amendment.

MONDAY, April 7,

The bill, entitled "An act further to alter and establish certain post roads, and for other pur-

poses," was read the second time, and referred to Messrs. ANDERSON, WHITE, and STONE, to consider and report thereon.

The bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France," was read the second time, and referred to Messrs. MITCHILL, MOORE, and ANDERSON, to consider and report thereon.

Mr. TRACY, from the committee to whom was referred, on the 29th of March last, the bill, entitled "An act making appropriations for the support of Government for the year 1806," reported the bill with amendments.

Agreeably to leave given, on the 4th instant, Mr. TRACY reported "A bill to regulate and fix the compensation of clerks, and for other purposes;" and the bill was read, and ordered to the second reading.

The Senate took into consideration the resolution of the House of Representatives for the appointment of a joint committee to confer on the time when Congress may adjourn; and

Resolved, That they do not concur therein.

Mr. WRIGHT communicated a resolution of the Legislature of the State of Maryland instructing their Senators and Representatives in Congress to use their utmost exertions to obtain an amendment to the Constitution of the United States to prevent the further importation of slaves; whereupon, Mr. WRIGHT submitted the following resolutions for the consideration of the Senate:

Resolved, &c. That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as a part of the said Constitution to wit:

Resolved, That the migration or importation of slaves into the United States, or any territory thereof, be prohibited after the first day of January 1808.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," and the bill was reported to the House without amendment.

On the question, Shall this bill pass to the third reading? it was determined in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Baldwin, Bradley, Condit, Gaillard, Gilman, Hillhouse, Howland, Logan, Moore, Pickering, Plumer, Smith, of New York, Smith, of Tennessee, Smith, of Vermont, Stone, Sumter, and White.

NAYS—Messrs. Adair, Adams, Anderson, Kitchel, Maclay, Smith, of Maryland, Thruston, Tracy, Worthington, and Wright.

The bill to suspend the sale of certain lands in the State of Ohio and the Indiana Territory, was read the third time, and the further consideration thereof postponed.

Mr. ADAMS, from the committee to whom was referred, on the 28th of March last, the bill for the regulation of the fees of attorneys, and the officers of the courts of the District of Columbia, and for other purposes, reported the bill with amendments, which were read, and ordered to lie for consideration.

TUESDAY, April 8.

A Message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for erecting certain lighthouses in the State of Massachusetts; for building a beacon or pier at Bridgeport, in the State of Connecticut; and for fixing buoys in Pamlico Sound, in the State of North Carolina;" also, "a joint resolution authorizing the President of the Senate, and Speaker of the House of Representatives, to adjourn their respective Houses on Wednesday, the 16th of April instant;" in which bill and resolution they request the concurrence of the Senate.

The bill last mentioned was read, and ordered to the second reading.

The resolution last brought up for concurrence was read.

Mr. TRACY, from the committee to whom was referred, on the 28th of March last, the bill in addition to the act for establishing a Mint, and regulating the coins of the United States, reported the bill with amendments.

The Senate resumed the third reading of the bill to suspend the sale of certain lands in the State of Ohio and the Indiana Territory; and,

Resolved, That this bill do pass, that it be engrossed, and that the title thereof be "An act to suspend the sale of certain lands in the State of Ohio and the Indiana Territory."

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment of lands of the United States, and for other purposes relative to the public debt," with an amendment to the fourth amendment, and disagree to the last amendment, ask a conference thereon, and have appointed managers on their part.

The Senate took into consideration the resolution of the House of Representatives, asking a conference on their amendment to the bill last mentioned; and,

Resolved, That they do agree to the conference, and that Messrs. TRACY and BALDWIN be managers on the part of the Senate.

The Senate took into consideration, as in Committee of the Whole, the amendments reported on the 7th instant, to the bill entitled "An act making appropriations for the support of Government for the year 1806;" and, having agreed thereto, the further consideration thereof was postponed.

The bill to regulate and fix the compensations of clerks, and for other purposes, was read the second time; and passed to the third reading.

WEDNESDAY, April 9.

Mr. STONE, from the committee to whom was referred, on the 4th instant, the bill, entitled, "An act making appropriations for the support of the Military Establishment of the United States for the year 1806," reported the bill without amendment.

Mr. SUMTER, from the committee to whom was referred, on the 29th of January last, the bill entitled "An act authorizing a detachment from the militia of the United States," reported the bill without amendment.

Mr. BRADLEY, from the committee to whom was referred on the 3d instant, the bill for the relief of Hamet Caramalli, ex-Bashaw of Tripoli, together with the report thereon, of the 17th of March last, made report, that the further consideration thereof be postponed until the first Monday in December next; and the report was adopted.

The resolution of the House of Representatives authorizing the adjournment of both Houses of Congress, on the 16th of the present month, was read the second time, and the consideration thereof postponed until Saturday next.

The bill entitled "An act for erecting certain light houses in the State of Massachusetts; for building a beacon or pier at Bridgeport in the State of Connecticut; and for fixing buoys in Pamlico Sound, in the State of North Carolina," was read the second time, and referred to Messrs. TURNER, ADAMS, and PICKERING, to consider and report thereon.

The resolution that, on account of the funeral expenses of the honorable James Jackson, late a Senator, the Secretary of the Senate be authorized to pay, out of the contingent fund of the Senate, the amount of such accounts as may be allowed and certified by the Committee of Arrangement, was read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to 'An act regulating the grants of land and providing for the disposal of the lands of the United States south of the State of Tennessee;" a bill entitled "An act to amend, in the cases therein mentioned, the act to regulate the collection of duties on imports and tonnage;" and the bill entitled "An act for establishing trading-houses with the Indian tribes;" in which bills they desire the concurrence of the Senate.

The last three bills brought up for concurrence were read, and ordered to the second reading.

The Senate took into consideration, as in Committee of the Whole, the amendments to the bill for the regulation of the fees of attorneys and the officers of the courts of the District of Columbia and for other purposes;" and, having further amended the bill, it was reported to the House accordingly.

Ordered, That the bill pass to the third reading as amended.

Resolved, That the PRESIDENT of the Senate notify the Executive of the State of Georgia, of the death of JAMES JACKSON, late a Senator of that State for the United States.

The bill to regulate and fix the compensations of clerks, and for other purposes, was read the third time; and, having been further amended,

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act to regulate and fix the compensation of clerks, and for other purposes."

The Senate resumed, as in Committee of the Whole, the consideration of the amendments reported to the bill, entitled "An act making appropriations for the support of Government for the year 1806;" and, having further amended the bill, it was reported to the House accordingly.

THURSDAY, April 10.

Ordered, That the report of the Secretary of the Treasury, on the memorial of John Chester, be referred to Messrs. HILLHOUSE, BALDWIN, and ANDERSON, to consider and report thereon.

Ordered, That two hundred copies of the letter of the Treasurer of the United States to the Vice President, of the 28th of January, 1806, together with the accounts of the Treasury, War, and Navy Departments, from October 1, 1804, to October 1, 1805, be printed.

The bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," was read the second time, and referred to Messrs. ADAMS, BALDWIN, and STONE, to consider and report thereon.

The bill, entitled "An act to amend, in the cases therein mentioned, 'the act to regulate the collection of duties on imports and tonnage," was read the second time, and referred to Messrs. MITCHILL, BALDWIN, and STONE, to consider and report thereon.

The bill, entitled "An act for establishing trading-houses with the Indian tribes," was read the second time, and referred to Messrs. ANDERSON, SMITH, of Ohio, and STONE, to consider and report thereon.

The Senate took into consideration the resolution submitted on the 7th instant, for an amendment to the Constitution of the United States, for prohibiting, after the first of January, 1808, the further importation of slaves; and the further consideration thereof was postponed until the first Monday in December next.

The Senate took into consideration, in Committee of the Whole, (Mr. ANDERSON having been requested by the PRESIDENT to take the Chair,) the amendments reported by the select committee to the bill, entitled "An act to prohibit the importation of certain goods, wares, and merchandise." And, after debate, the PRESIDENT resumed the Chair, and Mr. ANDERSON, from the Committee of the Whole, reported that they had disagreed to the amendments of the select committee, but had agreed to an amendment to the bill; which was read, and the bill was amended accordingly; and, on the question, Shall the bill pass to the third reading, as amended? it passed in the affirmative—yeas 19, nays 9, as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Condit, Gaillard, Gilman, Howland, Kitchel, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Thruston, Turner, and Wright.

NAYS—Messrs. Adair, Bradley, Hillhouse, Pickering, Plumer, Stone, Sumter, Tracy, and White.

The bill, entitled "An act making appropriations for the support of Government for the year 1806," was read the third time as amended.

Resolved, That this bill pass with amendments.

On motion, it was agreed that the third reading of the bill, entitled 'An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," be the order of the day for to-morrow.

The Senate resumed, as in Committee of the Whole, the second reading of the bill, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year 1806;" and the bill having been reported to the House without amendment,

Ordered, That it pass to a third reading.

The Senate resumed the consideration of the resolutions of the 17th of March last, relative to William Eaton, and others, late officers in the army of the ex Bashaw of Tripoli.

Ordered, That the further consideration thereof be postponed until the first Monday in December next.

Mr. ANDERSON, from the committee to whom was referred, on the 7th instant, the bill, entitled "An act further to alter and establish certain post roads, and for other purposes," reported the bill with amendments.

The resolution for defraying the expenses of the funeral of JAMES JACKSON, late a Senator of the United States, from the State of Georgia, was read the second time, and passed to the third reading.

The bill for the regulation of the fees of attorneys and the officers of the courts of the District of Columbia, and for other purposes, was read the third time as amended, and further amendments having been proposed, the consideration thereof was postponed.

FRIDAY, April 11.

Mr. BRADLEY presented the memorial of Ira Allen, stating that he has sustained great damage and sufferings by the capture of a quantity of arms and ordnance, under the authority of the British Government, which were purchased in France, for the supply of the militia of the State of Vermont, in the year 1795, and praying redress; and the memorial was read, and referred to the Secretary for the Department of State, to report thereon.

Mr. TRACY, from the managers at the conference on the amendments to the bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt," made report: Whereupon,

Resolved, That the Senate do agree to the amendment proposed by the House of Representatives to their fourth amendment, and that they insist on their last amendment disagreed to by the House of Representatives.

Mr. MITCHILL, from the committee to whom was referred, on the third of April, the bill, entitled "An act supplementary to the act, entitled 'An act to extend the jurisdiction, in certain cases, to the Territorial courts," reported amendments; which were read.

Mr. MITCHILL, from the committee to whom was referred, on the 7th of April, the bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France," reported the bill without amendment.

The Senate considered, as in Committee of the Whole, the bill, entitled "An act authorizing a detachment from the militia of the United States;" and the bill having been amended, was reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

I now lay before Congress a statement of the militia of the United States, according to the returns last received from the several States and Territories. It will be perceived that some of these are not of recent dates, and that from the States of Maryland and Delaware no returns are stated. As far as appears from our records, none were ever rendered from either of these States. From the Territories of Orleans, Louisiana, and Michigan, complete returns have not yet been received.

TH. JEFFERSON.

APRIL 11, 1806.

The Message and documents were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," with amendments, in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act to prohibit the officers of the Army and Navy from holding or exercising any civil office," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to the second reading.

Mr. ANDERSON, from the committee appointed 31st December, to consider the memorial of the House of Representatives of the Territory of Orleans, reported a bill supplementary to the act, entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the District of Louisiana;" which was read, and ordered to the second reading.

The bill, entitled "An act authorizing the erection of a bridge over the river Potomac, within the District of Columbia," was read the third time; and, on motion to postpone the further consideration thereof until the first Monday in December next, it passed in the affirmative—yeas 19, nays 10, as follows:

YEAS—Messrs. Adair, Adams, Anderson, Baldwin, Gilman, Hillhouse, Howland, Kitchel, Maclay, Mitch

ill, Pickering, Smith of Maryland, Smith of New York, Stone, Sumter, Thruston, Tracy, Worthington, and Wright.

NAYS—Messrs. Bradley, Condit, Gaillard, Moore, Plumer, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Turner and White.

So the bill was postponed.

SATURDAY, April 12.

The Senate took into consideration the report of the committee on the memorial of the President and Directors of the Chesapeake and Delaware Canal Company; and the further consideration thereof was postponed until the first Monday in December next.

The resolution of the House of Representatives authorizing the adjournment of Congress on Wednesday, the 16th of the present month, was resumed and amended, by insertion of Monday, the 21st, in place of Wednesday, the 16th.

Ordered, That it pass to the third reading as amended.

Mr. ANDERSON, from the committee to whom was referred, on the 10th instant, the bill, entitled "An act for establishing trading-houses with the Indian tribes," reported the bill with amendments.

Mr. TRACY, from the committee to whom was referred, on the third instant, the bill, entitled "An act to provide for the adjustment of titles to land in the Territory of Michigan, and for other purposes," reported the bill with amendments.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee;" and the further consideration thereof was postponed until Monday next.

The bill, entitled "An act to prohibit the officers of the Army and Navy from holding or exercising any civil office," was read the second time; and, on motion to postpone this bill to the first Monday in December next, it passed in the affirmative—yeas 17, nays 10, as follows:

YEAS—Messrs. Adair, Adams, Baldwin, Condit, Gilman, Howland, Kitchel, Logan, Mitchill, Plumer, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Tracy, White, and Wright.

NAYS—Messrs. Anderson, Gaillard, Hillhouse, Maclay, Moore, Pickering, Stone, Sumter, Turner, and Worthington.

So the bill was postponed.

The Senate took into consideration, as in Committee of the Whole, the amendments reported to the bill in addition to "An act for establishing a Mint, and regulating the coins of the United States;" and, having agreed thereto, the bill was reported to the House accordingly.

Ordered, That this bill pass to a third reading as amended.

The Senate took into consideration, as in Committee of the Whole, the amendments reported to the bill, entitled "An act supplementary to the act, entitled 'An act to extend jurisdiction in certain cases, to the Territorial courts;" and, having agreed to the amendments, the bill was reported to the House accordingly.

Ordered, That this bill pass to a third reading, as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Navy of the United States;" a bill, entitled "An act prescribing the effect in each State of the records of judgments and decrees of courts of records of every other State;" and a bill, entitled "An act making a further appropriation towards the completing the south wing of the Capitol at the City of Washington;" in which bills they request the concurrence of the Senate. They insist on their disagreement to the last amendment of the Senate to the bill, entitled "An act to repeal so much of the act entitled 'An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt." They agree to the first, and disagree to all the other amendments of the Senate to the bill, entitled "An act making appropriations for the support of Government for the year 1806," and request a conference on the amendments disagreed to, and have appointed managers on their part.

The three bills last brought up for concurrence, were read, and ordered to the second reading.

MONDAY, April 14.

The bill supplementary to the act, entitled "An act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and district of Louisiana," was read the second time and passed to a third reading.

The bill, entitled "An act making appropriations for the support of the Navy of the United States during the year 1806;" was read the second time, and referred to Messrs. BALDWIN, MITCHILL, and TRACY, to consider and report thereon.

Mr. WORTHINGTON, from the committee to whom was referred, on the 6th instant, the bill, entitled "An act to divide the Indiana Territory into two separate governments, and for other purposes;" reported amendments, which were read.

The bill, entitled "An act prescribing the effect in each State of the records of judgments and decrees of courts of record of every other State," was read the second time, and referred to Messrs. ANDERSON, MITCHILL, and SMITH of Vermont, to consider and report thereon.

The bill, entitled "An act making a further appropriation towards completing the south wing of the Capitol, at the City of Washington," was read the second time.

Ordered, That it pass to a third reading.

The Senate resumed the consideration of the amendment to the bill, entitled "An act to repeal so much of any act or acts as authorize the receip of evidences of the public debt in payment fot lands of the United States, and for other purposes

relative to the public debt;" disagreed to by the House of Representatives; and

Resolved, That the Senate agree thereto as amended.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives, to the bill, entitled "An act making appropriations for the support of Government for the year 1806," and their request of a conference thereon; and

Resolved, That the Senate agree to the said conference, and that Messrs. TRACY and BALDWIN be the managers on their part.

The resolution of the House of Representatives, of the 8th instant, on the subject of adjournment, was read the third time; and

Resolved, That the Senate agree thereto, as amended.

The Senate considered the amendments of the House of Representatives to the bill, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same;" and,

Resolved, That they concur therein.

The bill, entitled "An act authorizing a detachment from the militia of the United States," was read the third time, as amended, and passed.

The bill for the regulation of the fees of attorneys, and the officers of the courts of the District of Columbia, and for other purposes," was resumed, amended; and, on the question, Shall this bill pass? it was

Resolved, in the affirmative; and that the bill be engrossed, and that the title thereof be "An act for the regulation of the times of holding the courts of the District of Columbia, and for other purposes."

A message from the House of Representatives informed the Senate that the House have passed the following bills, in which they request the concurrence of the Senate: a bill, entitled "An act respecting the claims to land in the Indiana Territory, and State of Ohio;" a bill entitled "An act concerning the further safeguard of vessels in the vicinity of the United States and the territories thereof;" a bill entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians;" and a bill, entitled "An act making appropriations for carrying into effect certain Indian treaties."

The two bills last mentioned were twice read, by unanimous consent, and referred to Messrs. ANDERSON, STONE, and BALDWIN, to consider and report thereon.

The two bills first mentioned were read, and ordered to the second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and ordered to lie for consideration:

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

During the blockade of Tripoli by the squadron of the United States, a small cruiser, under the flag of Tunis, with two prizes (all of trifling value) attempted to enter Tripoli, was turned back, warned, and attempting again to enter, was taken and detained as prize by the squadron. Her restitution was claimed by the Bey of Tunis, with a threat of war, in terms so serious, that, on withdrawing from the blockade of Tripoli the commanding officer of the squadron thought it his duty to repair to Tunis with his squadron, and to require a categorical declaration, whether peace or war was intended. The Bey preferred explaining himself by an Ambassador to the United States, who, on his arrival, renewed the request that the vessel and her prizes should be restored. It was deemed proper to give this proof of friendship to the Bey, and the Ambassador was informed the vessels would be restored. Afterwards he made a requisition of naval stores to be sent to the Bey, in order to secure a peace for the term of three years, with a threat of war, if refused. It has been refused, and the Ambassador is about to depart without receding from his threat or demand.

Under these circumstances, and considering that the several provisions of the act of March 25th, 1804, will cease, in consequence of the ratification of the treaty of peace with Tripoli, now advised and consented to by the Senate, I have thought it my duty to communicate these facts, in order that Congress may consider the expediency of continuing the same provisions for a limited time, or making others equivalent.

TH. JEFFERSON.

APRIL 14, 1806.

On motion, it was

Resolved, That the Judges of the District of Columbia be requested to report a fee-bill for the officers and attorneys of the said District, to the Senate of the United States, at their next session.

The bill, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year 1806," was read the third time, and passed.

The bill, entitled "An act supplementary to the act, entitled "An act to extend jurisdiction in certain cases to the Territorial courts," was read the third time as amended.

Resolved, That this bill pass with the amendment.

The resolution, first read on the 9th instant, respecting the funeral expenses of James Jackson, was read the third time and agreed to.

The bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States, on the Government of France," was considered.

Ordered, That this bill pass to a third reading.

The bill, entitled "An act for establishing trading houses with the Indian tribes," was considered as in Committee of the Whole; and the amendments having been agreed to, the bill was reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

The bill, entitled "An act further to alter and establish certain post roads, and for other purposes," was considered as in Committee of the Whole, and the amendments in part adopted.

Ordered, That the further consideration of this bill be postponed.

Mr. TURNER, from the committee appointed to consider the bill, entitled "An act for erecting

certain light-houses in the State of Massachusetts, for building a beacon or pier at Bridgeport, in the State of Connecticut, and for fixing buoys in Pamlico Sound, in the State of North Carolina," reported the bill without amendment.

TUESDAY, April 15.

Mr. MITCHILL, from the committee to whom was referred the bill, entitled "An act to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage," reported it without amendment.

Mr. MITCHILL communicated the memorial of Augustus B. Woodward, stating the critical situation of the Michigan Territory, and praying that the measures on that subject now under the consideration of Congress, may be adopted; and it was agreed that the memorial, with sundry documents accompanying it, lie on the table, until the bill on the subject shall be considered as in Committee of the Whole.

Mr. TRACY reported sundry modifications from the committee of conference, on the bill, entitled "An act making appropriations for the support of Government for the year 1806;" and the report was adopted; and it was agreed to modify the bill accordingly.

The bill entitled "An act concerning the further safeguard of vessels in the vicinity of the United States and the Territories thereof," was read the second time, and referred to Messrs. BALDWIN, TRACY, and MITCHILL, to consider and report thereon.

The bill, entitled "An act respecting claims to land in the Indiana Territory, and State of Ohio," was read the second time, and referred to Messrs. SMITH of Ohio, BALDWIN, and SMITH of New York, to consider and report thereon.

Mr. ANDERSON, from the committee to whom was referred, yesterday, the bill, entitled "An act making appropriations for carrying into effect a Treaty between the United States and the Chickasaw tribe of Indians;" also, the bill, entitled "An act making appropriations for carrying into effect certain Indian treaties;" reported the bills, severally, without amendment.

The Senate resumed, as in Committee of the Whole, the amendments reported to the bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" and having agreed thereto, and further amended the bill, it was reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

The Senate having advised and consented to the ratification of a treaty concluded with the Piankeshaw Indians, for extinguishing their claim to the country between the Wabash and Kaskaskia cessions, it is now laid before both Houses for the exercise of their Constitutional powers, as to the means of fulfilling it on our part. TH. JEFFERSON.

APRIL 15, 1806.

The Message was read, and ordered to lie for consideration.

Mr. BALDWIN, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States during the year 1806," reported the bill without amendment.

The bill, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," was read the third time; and the amendment adopted was again considered and rejected.

A motion was made to postpone the bill for the purpose of considering the following resolution:

Resolved, That, in consequence of a more favorable course of conduct on the part of Great Britain, in respect to the disturbance of the trade of the United States; and entertaining a hope that the British Ministry, lately established, will be disposed to a reasonable arrangement of all affairs of difference between the two nations, the Senate do hereby postpone the further consideration of the bill, entitled "An act to prohibit the importation of certain goods, wares, and merchandise," to the first Monday in November next.

And, on the question to agree to this motion, it passed in the negative—yeas 9, nays 19, as follows:

YEAS—Messrs. Adair, Adams, Hillhouse, Logan, Pickering, Plumer, Sumter, Tracy, and White.

NAYS—Messrs. Anderson, Baldwin, Condit, Gaillard, Gilman, Howland, Kitchel, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Stone, Thruston, Worthington, and Wright.

And on the question, Shall this bill pass? it was determined in the affirmative—yeas 19, nays 9, as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Condit, Gaillard, Gilman, Howland, Kitchel, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Tennessee, Smith of Vermont, Thruston, Worthington, and Wright.

NAYS—Messrs. Adair, Hillhouse, Logan, Pickering, Plumer, Stone, Sumter, Tracy, and White.

So it was *Resolved*, That this bill pass.

WEDNESDAY, April 16.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats;" in which they request the concurrence of the Senate.

The bill was read the first and second time by unanimous consent.

Ordered, That it pass to a third reading.

Mr. ANDERSON, from the committee to whom was referred, on the 14th instant, the bill, entitled "An act prescribing the effect, in each State, of the records of judgments and decrees of the courts of record of every other State," reported the bill with amendments.

Mr. ADAMS, from the committee to whom was referred, on the 10th instant, the bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land and providing for the disposal of the lands of the United States south of

the State of Tennessee," reported the bill with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the amendments to the bill, entitled "An act to provide for the adjustment of titles of land in the Territory of Michigan, and for other purposes;" and the amendments were adopted, and having been reported to the House, the bill was amended accordingly.

Ordered, That this bill pass to the third reading as amended.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to amend the act, entitled 'An act to divide the Indiana Territory into two separate governments, and for other purposes."

Resolved, That the further consideration of this bill be postponed until the next session of Congress.

The bill in addition to the act establishing a Mint, and regulating the coins of the United States, was read the third time as amended.

Resolved, That this bill pass, that it be engrossed and that the title thereof be "An act in addition to the act establishing a Mint, and regulating the coins of the United States."

The bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France," was read the third time and passed.

The bill supplementary to the act, entitled "An act for ascertaining and adjusting the titles and claims within the Territory of Orleans and the district of Louisiana," was read the third time and passed.

The bill, entitled "An act making appropriations for the support of the Navy of the United States during the year 1806," was resumed.

Ordered, That this bill pass to a third reading.

The bill, entitled "An act for erecting certain light-houses in the State of Massachusetts; for building a beacon or pier at Bridgeport, in the State of Connecticut; and for fixing buoys in Pamlico Sound, in the State of North Carolina," was resumed.

Ordered, That this bill pass to a third reading.

The bill, entitled "An act further to alter and establish certain post roads, and for other purposes," was read the third time as amended and passed.

THURSDAY, April 17.

The Senate resumed, as in Committee of the Whole, the amendments reported to the bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee;" and, having adopted the amendments, the bill was reported to the House accordingly.

Ordered, That the bill pass to the third reading as amended.

The Senate resumed the second reading of the bill, entitled "An act to amend, in the case therein mentioned, the act to regulate the collection of duties on imports and tonnage;" and,

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the amendments reported to the bill, entitled "An act prescribing the effect, in each State, of records of judgments and decrees of the courts of record of every other State;" and, on the question, Shall this bill be read a third time? it was determined in the negative. So the bill was lost.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

The Senate having advised and consented to the ratification of a convention between the United States and the Cherokee Indians, concluded at Washington, on the 7th day of January last, for the cession of their right to the tract of country therein described, it is now laid before both Houses of Congress, for the exercise of their Constitutional powers towards the fulfilment thereof. TH. JEFFERSON.

APRIL 17, 1806.

The Message was read, and ordered to lie for consideration.

Mr. ADAMS gave notice, that he would to-morrow ask leave to bring in a bill for the temporary relief of Hamet Caramalli.

On motion, it was

Resolved, That a committee be appointed to take into consideration the expediency of providing by law for the next meeting of Congress, and that the committee have leave to report by bill.

Ordered, That Messrs. ANDERSON, TRACY, and BALDWIN, be the committee.

Mr ANDERSON, from the committee last mentioned, reported a bill to alter the time of the next meeting of Congress, which was read, and ordered to the second reading.

On motion, it was

Resolved, That the Attorney General of the United States be directed to procure and lay before the Senate, at their next session, tables of the fees and compensations paid to the attorneys at law, prothonotaries, registers, and clerks of judicial courts, to sheriffs and coroners, to grand and petit jurors, and to witnesses, in the several States.

On motion, it was

Resolved, That the President of the United States be requested to cause to be laid before the Senate, if in his opinion the same can be done with propriety, a particular statement of the cause of difference between the Bey of Tunis and the Government of the United States, and the communications which have taken place relative thereto.

Ordered. That the Secretary lay this resolution before the President of the United States.

The bill, entitled "An act for erecting certain light-houses in the State of Massachusetts; for building a beacon or pier at Bridgeport, in the State of Connecticut; and for fixing buoys in Pamlico Sound, in the State of North Carolina," was read the third time and passed.

The bill, entitled "An act for establishing trading-houses with the Indian tribes," was read the third time as amended.

Resolved, That this bill pass with amendments.

The bill, entitled "An act making appropriations for the support of the Navy of the United States during the year 1806," was read the third time and passed.

The bill, entitled "An act making a further appropriation towards completing the south wing of the Capitol at the City of Washington," was read the third time and passed.

The bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats," was read the third time, and referred to Messrs. TRACY, MITCHILL, and ANDERSON, to consider and report thereon.

The PRESIDENT communicated to the Senate a report of the Secretary of State on the petition of Ira Allen, referred to him on the 11th instant; and the report was read.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act making appropriations for carrying into effect certain Indian treaties," and,

Ordered, That it be referred to Mr. ANDERSON, and others, to whom the bill was originally committed further to consider thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," in which bill they request the concurrence of the Senate.

The bill last brought up for concurrence was read and ordered to the second reading.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase," with amendments; in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians," as in Committee of the Whole; and on the question, to strike out the third section of the bill? it was determined in the affirmative—yeas 20, nays 5, as follows:

YEAS—Messrs. Adair, Adams, Anderson, Condit, Gilman, Hillhouse, Howland, Kitchel, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Tracy, White, Worthington and Wright.

NAYS—Messrs. Baldwin, Maclay, Moore, Smith of Tennessee, and Turner.

So the section was struck out; and, the bill having been further amended, was reported to the House accordingly.

Ordered, That this bill pass to the third reading as amended.

The bill for the temporary relief of Hamet Caramalli was, by unanimous consent, read the first time and ordered to the second reading.

The amendments of the House of Representatives to the bill, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase," were read.

FRIDAY, April 18.

Ordered, That the petition of Ira Allen, together with the report of the Secretary of State thereon, be referred to Messrs. SMITH, of Vermont, BALDWIN, and TURNER, to consider and report thereon.

Mr. HILLHOUSE reported, from the committee to whom was referred the memorial of John Chester, that the further consideration thereof be postponed to the next session of Congress; and the report was adopted.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase," and,

Resolved, That they disagree to the said amendments, ask a conference thereon, and that Messrs TRACY and WRIGHT be the managers at the same on the part of the Senate.

Mr. ADAIR presented the memorial of the Governor of the State of Kentucky, in behalf of the said State, exhibiting claims on the United States to the amount of twenty six thousand eight hundred and eight dollars and sixty-two cents, for military service; and the memorial was read and, together with the accompanying documents, referred to the Secretary for the Department of War, to consider and report thereon.

Mr. ANDERSON, from the committee to whom was referred yesterday the bill, entitled "An act making appropriations for carrying into effect certain Indian treaties," reported the bill without amendment.

Mr. TRACY, from the committee to whom was referred, on the 17th instant the bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats," reported it with amendments.

The bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the second time, and referred to Messrs. MITCHILL, TRACY, and BALDWIN, to consider and report thereon.

The Senate took into consideration, as in committee of the Whole, the bill for the relief of Hamet Caramalli; and, after debate, the PRESIDENT resumed the Chair, and Mr. ANDERSON, from the Committee of the Whole, reported amendments to the bill, which were read in the House, adopted, and the bill was amended accordingly.

Ordered, That the bill pass to the third reading as amended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

In compliance with the request of the Senate, of yesterday's date, I now communicate the entire correspondence between the Ambassador of Tunis and the Secretary of State; from which the Senate will see, that the first application by the Ambassador for restitution of the vessels taken in violation of blockade, having been yielded to, the only remaining cause of difference brought forward by him, is the requisition of a present of naval stores, to secure a peace for three years; after which, the inference is obvious, that a renewal of the presents is to be expected, to renew the prolongation of peace for another term. But this demand has been pressed in verbal conferences, much more explicitly and pertinaciously than appears in the written correspondence. To save the delay of copying, some originals are enclosed, with a request that they be returned.

TH. JEFFERSON.

APRIL 18, 1806.

The Message and documents therein contained, were read and referred to Messrs. BALDWIN, MITCHILL, and SMITH, of Vermont, to consider and report thereon.

The bill, entitled "An act to amend, in the cases therein mentioned, the act to regulate the collection of duties on imports and tonnage," was read the third time.

Resolved, That this bill pass with an amendment.

The bill, entitled "An act making appropriations for carrying into effect certain Indian treaties," was read the third time and passed.

The Senate resumed the third reading of the bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats;" and,

Resolved, That this bill pass as amended.

The bill, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians," was read the third time as amended; and,

Resolved, That this bill pass with amendment.

The bill to alter the time for the next meeting of Congress, was read the second time. On the question, Shall this bill pass to the third reading? it was determined in the negative. So the bill was lost.

SATURDAY, April 19.

Mr. SMITH, of Ohio, from the committee to whom was referred, on the 15th instant, the bill, entitled "An act respecting the claims to land in the Indiana Territory and State of Ohio," reported the bill without amendment.

On motion, the bill was amended by striking out the third section.

Ordered, That this bill pass to the third reading as amended.

Mr. MITCHILL, from the committee to whom was referred, on the 18th instant, the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," reported the bill without amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes;" in which they desire the concurrence of the Senate. They agree to some, and disagree to other, amendments of the Senate to the bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" they also agree to some of the amendments with amendments, in which they request a concurrence.

The bill last brought up for concurrence was read the first and second times by unanimous consent.

Ordered, That it pass to the third reading, and that it be committed to Messrs. TURNER, ADAMS, and TRACY, to consider and report thereon.

The Senate took into consideration the amendments disagreed to by the House of Representatives to the bill, entitled "An act further to alter and establish certain post roads, and for other purposes;" and,

Resolved, That they recede from the amendments disagreed to, and agree to the amendments of the House of Representatives to their amendments.

The bill for the relief of Hamet Caramalli was read the third time.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be, "An act for the temporary relief of Hamet Caramalli."

Mr. MITCHILL, from the committee to whom was referred the memorial of the governors of New York hospital, praying further compensation for the sick and disabled seamen of the United States, reported, that, owing to the great difficulty of making at present a better provision for sick and disabled seamen than the one which now exists, the further consideration of the subject be postponed until the next session of Congress; and the report was adopted.

Mr. BALDWIN, from the committee to whom was referred, on the 15th instant, the bill, entitled "An act concerning the further safeguard of vessels in the vicinity of the United States and the territories thereof," reported the bill without amendment.

The bill, entitled "An act to provide for the adjustment of titles of land in the Territory of Michigan, and for other purposes," was read the third time as amended.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act making appropriation for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians," and adhere to their disagreement. The House of Representatives have passed the bill sent from the Senate, entitled "An act to regulate and fix the compensation of clerks, and for other purposes," with amendments, in which they ask the concurrence of the Senate. They agree to the conference on their amendments to the bill, entitled "An act making provision for the compensation of witnesses who

attended the trial of the impeachment of Samuel Chase," and have appointed Managers on their part.

The galleries were cleared, and the doors of the Senate Chamber closed; and, after the consideration of the confidential business, the bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," was read the third time.

Resolved, That this bill pass with amendments.

The Senate took into consideration the resolution of the House of Representatives, adhering to their disagreement to the amendments of the Senate to the bill, entitled "An act making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians;" and

Resolved, That the Senate adhere to their amendments to the said bill.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act to regulate and fix the compensation of clerks, and for other purposes;" and they agreed thereto.

The Senate took into consideration, as in Committee of the Whole, the amendments reported to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers;" and, on motion to strike out the first section, it passed in the affirmative—yeas 16, nays 9, as follows:

YEAS—Messrs. Adams, Anderson, Baldwin, Condit, Gilman, Kitchel, Mitchill, Smith, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Thruston, Tracy, and Wright.

NAYS—Messrs. Gaillard, Hillhouse, Howland, Maclay, Moore, Stone, Sumter, Turner, and Worthington.

And having agreed to a further amendment, the bill was reported to the House and amended accordingly.

Ordered, That this bill pass to the third reading as amended.

MONDAY, April 21.

The bill, entitled "An act concerning the further safeguard of vessels in the vicinity of the United States and the territories thereof," was resumed; and, on the question, Shall this bill pass to the third reading? it was determined in the negative. So the bill was lost.

The bill, entitled "An act respecting the claims to land in the Indiana Territory and State of Ohio," was read the third time as amended.

Resolved, That this bill pass with amendments.

On motion, the several committees that have not had an opportunity to perfect their reports, were discharged; and the several reports not acted on, were postponed to the next session of Congress.

Mr. TURNER, from the committee to whom was referred on the 19th instant, the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes," reported the bill with amendments; and the bill having been amended accordingly, was read the third time.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House disagree to the amendments reported to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United against the Barbary Powers;" they insist on their disagreement, ask a conference thereon, and have appointed managers at the same on their part.

The Senate took into consideration the resolution of the House of Representatives proposing a conference on the amendment to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers:" and

Resolved, That they agree to the conference, and that Messrs. MITCHILL and TRACY be managers at the same on the part of the Senate.

A message from the House of Representatives informed the Senate that the House disagree to the amendments of the Senate to the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes;" they insist on their disagreement, ask a conference thereon, and have appointed managers at the same on their part. They have passed a bill sent from the Senate, entitled "An act supplementary to an act entitled 'An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana," with an amendment, in which they ask the concurrence of the Senate.

The Senate took into consideration the resolution of the House of Representatives asking a conference to the amendment to the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes;" and

Resolved, That they agree to the conference, and that Messrs. WRIGHT and TRACY be managers on the part of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act supplementary to an act, entitled 'An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and district of Louisiana."

Resolved, That they concur therein.

On motion, it was

Resolved, That Messrs. WHITE and ADAMS be a committee on the part of the Senate, with such as the House of Representatives may join, to wait on the President of the United States and notify

him that, unless he may have any further communications to make to the two Houses of Congress, they are ready to adjourn.

Mr. WRIGHT reported from the managers at the conference on the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes." Whereupon,

Resolved, That the Senate recede from their amendment disagreed to by the House of Representatives.

Mr. MITCHILL reported from the managers at the conference on the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers" Whereupon,

Resolved, That the Senate adhere to their amendment disagreed to by the House of Representatives.

Ordered, That the further consideration of the bill, entitled "An act declaring the assent of Congress to an act of the General Assembly of the State of North Carolina," be postponed until the next session of Congress.

Resolved, That the bill, entitled "An act supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia," be postponed until the next session of Congress.

A message from the House of Representatives informed the Senate that the House have appointed a committee on their part to wait on the President of the United States and notify him of the intended recess of Congress.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn.

Mr. WHITE, from the committee, reported that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress.

On motion, that everything in the Journal relative to the memorials of S. G. Ogden and William Smith be expunged therefrom, it passed in the affirmative—yeas 13, nays 8, as follows:

YEAS—Messrs. Adair, Condit, Gilman, Kitchel, Logan, Mitchill, Smith of Maryland, Smith of New York, Stone, Thruston, Turner, Worthington, and Wright.

NAYS—Messrs. Adams, Baldwin, Hillhouse, Pickering, Plumer, Smith of Ohio, Tracy, and White.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the business before them, are about to adjourn.

Whereupon, the Senate adjourned without day.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE NINTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, DECEMBER 2, 1805.

MONDAY, December 2, 1805.

This being the day appointed by the Constitution for the annual meeting of Congress, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit:

From New Hampshire—Silas Betton, Caleb Ellis, David Hough, Samuel Tenney, and Thomas W. Thompson.

From Massachusetts—Joseph Barker, Barnabas Bidwell, Phanuel Bishop, John Chandler, Orchard Cook, Jacob Crowninshield, Richard Cutts, William Ely, Isaiah L. Green, Jeremiah Nelson, Josiah Quincy, Ebenezer Seaver, Samuel Taggart, Joseph B. Varnum, and Peleg Wadsworth.

From Rhode Island—Nehemiah Knight, and Joseph Stanton.

From Connecticut—Samuel W. Dana, John Davenport, jr., Jonathan O. Mosely, John Cotton Smith, Lewis B. Sturges, and Benjamin Tallmadge.

From Vermont—Martin Chittenden, James Elliot, James Fisk, and Gideon Olin.

From New York—John Blake, jr., Silas Halsey, Josiah Masters, Gurdon S. Mumford, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, David Thomas, Uri Tracy, Killian K. Van Rensselaer, and Nathan Williams.

From New Jersey—Ezra Darby, Ebenezer Elmer, John Lambert, James Sloan, and Henry Southard.

From Pennsylvania—Isaac Anderson, David Bard, Robert Brown, Joseph Clay, Frederick Conrad, William Findley, Andrew Gregg, Michael Leib, John Pugh, John Rea, Jacob Richards, John Smilie, Samuel Smith, John Whitehill, and Robert Whitehill.

From Maryland—John Campbell, Leonard Covington, Charles Goldsborough, Patrick Magruder, William McCreery, Nicholas R. Moore, and Joseph H. Nicholson.

From Virginia—Burwell Basset, John Claiborne, John Clopton, John Dawson, John W. Eppes, James M. Garnett, Peterson Goodwyn, David Holmes, John G. Jackson, Joseph Lewis, jr., John Morrow, Thomas Newton, jr., John Randolph, Thomas M. Randolph, John Smith, Philip R. Thompson, and Alexander Wilson.

From Kentucky—George Michael Bedinger, and Thomas Sandford.

From North Carolina—Willis Alston, jr., Thomas Blount, James Holland, Thomas Keenan, Nathaniel Macon, Richard Stanford, Marmaduke Williams, Jos. Winston, and Thomas Wynns.

From Tennessee—William Dickson, and John Rhea.

From South Carolina—Levi Casey, Elias Earle, Thomas Moore, and David R. Williams.

From Georgia—Peter Early, Cowles Mead, and David Meriwether.

From Ohio—Jeremiah Morrow.

Delegate from the Mississippi Territory—William Lattimore.

And a quorum, consisting of a majority of the whole number, being present, the House proceeded, by ballot, to the choice of a Speaker; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of NATHANIEL MACON, one of the Representatives for the State of North Carolina: Whereupon, Mr. MACON was conducted to the Chair, from whence he made his acknowledgments to the House as follows:

"*Gentlemen:* Accept my sincere thanks for the honor you have conferred on me. Permit me to assure you, that my utmost endeavors will be exerted to discharge the duties of the Chair with fidelity, impartiality, and industry; and that I shall rely with confidence on the liberal and candid support of the House."

The House proceeded, in the same manner, to the appointment of a Clerk; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of JOHN BECKLEY.

The oath to support the Constitution of the United States, as prescribed by the act, entitled "An act to regulate the time and manner of administering certain oaths," was administered by Mr. NICHOLSON, one of the Representatives for the State of Maryland, to the Speaker; and then the same oath or affirmation was administered by Mr. SPEAKER to all the members present.

The same oath, together with the oath of office prescribed by the said recited act, were also administered by Mr. SPEAKER to the Clerk.

Ordered, That a message be sent to the Senate to inform them that a quorum of this House is assembled, and have elected NATHANIEL MACON, one

of the Representatives for North Carolina, their Speaker; and that the Clerk of this House do go with the said message.

A message from the Senate informed the House that a quorum of the Senate is assembled and ready to proceed to business; and that, in the absence of the Vice President of the United States, the Senate have elected the honorable Samuel Smith their President pro tempore: the Senate have resolved that two Chaplains, of different denominations, be appointed to Congress, for the present session, one by each House, who shall interchange weekly. The Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication that he may be pleased to make to them.

Resolved, That Mr. John Randolph, Mr. Campbell of Maryland, and Mr. Crowninshield, be appointed a committee, on the part of this House, jointly, with the committee on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication that he may be pleased to make to them.

The House then proceeded, by ballot, to the appointment of a Sergeant-at-Arms to this House; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of Joseph Wheaton.

Resolved, That Thomas Claxton be appointed Doorkeeper, and Thomas Dunn Assistant Doorkeeper of this House.

Resolved, That the Rules and Orders established by the late House of Representatives, shall be deemed and taken to be the Rules and Orders of proceeding to be observed in this House, until a revision or alteration of the same shall take place.

Ordered, That a committee be appointed to prepare and report such standing rules and orders of proceedings as are proper to be observed in this House; and that Mr. Varnum, Mr. Dawson, Mr. Tallmadge, Mr. Gregg, and Mr. Holland, be the said committee.

The following committees were appointed, pursuant to the standing rule and orders of the House, viz:

Committee of Ways and Means—Mr. John Randolph, Mr. Nicholson, Mr. Joseph Clay, Mr. Quincy, Mr. Meriwether, Mr. Dickson, and Mr. Mosely.

Committee of Commerce and Manufactures—Mr. Crowninshield, Mr. M'Creery, Mr. Leib, Mr. Early, Mr. Dana, Mr. Newton, and Mr. Mumford.

Committee of Elections—Mr. Findley, Mr. Elmer, Mr. Eppes, Mr. Chittenden, Mr. Schuneman, Mr. Bidwell, and Mr. Ellis.

Committee of Claims—Mr. John C. Smith, Mr. Holmes, Mr. Bedinger, Mr. Stanford, Mr. Stanton, Mr. Moore of Maryland, and Mr. Moore of South Carolina.

Committee of Revisal and Unfinished Business—Mr. Tenney, Mr. Alston, and Mr. Claiborne.

Resolved, That a committee be appointed, to consist of three members, to be styled the "Committee of Accounts," whose duty it shall be to superintend and control the expenditure of the contingent fund of the House of Representatives, and to audit and settle all the accounts which may be charged thereon.

And a committee was appointed, of Mr. Conrad, Mr. Davenport, and Mr. Cutts.

The Speaker laid before the House a letter from the Clerk, accompanying a report of his proceedings, in obedience to a resolution of the House, of the twenty-eighth day of February last, for letting to the lowest bidder the printing work and supplies of stationery for the use of the House, together with sundry documents respecting the same.—Referred to the Committee of Accounts.

On motion of Mr. Thomas,

Resolved, That a committee be appointed to inquire whether any, and what, amendments are necessary to be made in the acts establishing a Post Office and Post Roads within the United States; and that the said committee have leave to report by bill, or otherwise:

And a committee was appointed, of Mr. Thomas, Mr. Robert Whitehill, Mr. Betton, Mr. Cooke, Mr. Elliot, Mr. Knight, Mr. Sturges, Mr. Covington, Mr. Clopton, Mr. Sandford, Mr. Williams of North Carolina, Mr. Rhea of Tennessee, Mr. Williams of South Carolina, Mr. Meade, Mr. Morrow of Ohio, Mr. Southard, and Mr. Lewis.

Ordered, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers to each member, such as the members, respectively, shall choose, to be delivered at their lodgings; and that if any member shall choose to take any newspaper other than a daily paper, he shall be furnished with as many of such papers as shall not exceed the price of a daily paper.

Mr. John Randolph, from the joint committee appointed to wait on the President of the United States, and notify him that a quorum of the two Houses is assembled, reported that the committee had performed that service; and that the President signified to them that he would make a communication to this House to-morrow, at twelve o'clock, by way of Message.

Tuesday, December 3.

Several other members, to wit: Abram Trigg, from Virginia; George W. Campbell, from Tennessee; and Robert Marion, from South Carolina; appeared, produced their credentials, and took their seats in the House.

The House proceeded to consider the resolution of the Senate for the appointment of two Chaplains of Congress for the present session, one by each House, to interchange weekly, and concurred with the Senate therein.

A Message was received from the President of

the United States; which was read, and referred to the consideration of a Committee of the Whole on the state of the Union. [For this Message see Senate proceedings of this day's date, *ante*, page 11.]

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill "making an additional appropriation for the Naval service, during the year one thousand eight hundred and five; which was read twice, and committed to a Committee of the Whole immediately.

The House, accordingly, resolved itself into the said Committee; and, after some time spent therein, the bill was reported with an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

On motion of Mr. J. CLAY,

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire whether any, and what, abuse exists of the privilege of franking letters; and to report such provision as, in their opinion, will tend to remedy the same.

The House adjourned.

WEDNESDAY, December 4.

Two other members, to wit: JOHN ARCHER, from Maryland, and WILLIAM BUTLER, from South Carolina, appeared, produced their credentials, and took their seats in the House.

An engrossed bill making an additional appropriation for the Naval service, during the year one thousand eight hundred and five, was read the third time, and passed.

The House proceeded, by ballot, to the appointment of a Chaplain to Congress, on the part of this House, and, upon examining the ballots, a majority of the votes of the whole House was found in favor of the Reverend Mr. GLENDY.

A memorial of the Legislative Council and House of Representatives of the Mississippi Territory was presented to the House and read, praying that a reasonable time may be allowed to the pre-emption claimants for land within the said Territory, under the authority of the act of Congress of the third of March, one thousand eight hundred and three, to make payment for the first instalment due for the said land on the first of January next, after the date of the certificate to be granted therefor.

Also, the petition of sundry inhabitants of the Mississippi Territory, praying a right of pre-emption as occupants of certain public lands which they have, severally, improved and settled.

Ordered, That the said memorial and petition, together with the memorial and petition of the Legislative Council and House of Representatives of the Mississippi Territory, which were presented to this House on the twenty-fifth of January last, be severally referred to Mr. THOMAS M. RANDOLPH, Mr. LATTIMORE, Mr. SMILIE, Mr. OLIN, and Mr. TAGGART.

PRESIDENT'S MESSAGE.

On motion of Mr. J. RANDOLPH, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. VARNUM in the Chair.

Mr. J. RANDOLPH offered the following resolutions:

1. *Resolved*, That so much of the Message of the President of the United States, as relates to the subject of quarantine and health laws, be referred to the Committee of Commerce and Manufactures.

2. *Resolved*, That so much of the Message of the President of the United States as relates to the aggressions committed on our coasts by foreign armed vessels; to the defence of our ports and harbors; to the building of seventy-four-gun ships; and to the prohibiting the exportation of arms and ammunition; be referred to a select committee.

3. *Resolved*, That so much of the Message of the President of the United States as relates to the organization and classification of the militia, and to the augmentation of our land forces, be referred to a select committee.

4. *Resolved*, That so much of the Message of the President of the United States as relates to our Naval Peace Establishment, be referred to a select committee.

Previous to a decision on these resolutions, Mr. BIDWELL rose and said that it was his wish to offer an additional resolution relative to a subject not embraced in them.

The CHAIRMAN observed that the resolutions first offered must, in point of order, be first decided upon, after which the resolution alluded to could be received, or it might be read in argument while they were under consideration.

The foregoing resolutions were then severally read, and agreed to without a division.

Mr. NICHOLSON said he would offer another resolution, the substance of which was not embraced in the resolutions submitted by his friend from Virginia, viz:

Resolved, That so much of the Message of the President of the United States as relates to the conduct of the belligerent Powers towards the United States, and to the unjustifiable construction lately given by some of them to the law of nations, as it regards the rights of neutrals, be referred to the Committee of Ways and Means.

Mr. BIDWELL said this resolution embraced, in some measure, his object; but, as it did not exactly comport with it, he would take the liberty of reading, by way of argument, the resolution which he had prepared. Mr. B. then read the following resolution:

Resolved, That so much of the Message of the President of the United States as relates to injuries done to us as a neutral nation, by the interpolation of new, unjust, and unacknowledged principles into the law of nations, be referred to a select committee, with instruction to inquire in what respects, and to what extent, our neutral rights have thus been violated, and what legislative measures the true interest of the United States requires to counteract such violations.

Mr. BIDWELL remarked that this resolution went further than that offered by the gentleman from Maryland. So far as that resolution went it met his ideas. But he thought it ought to go further;

and, should it not be adopted, he would afterward move the one he had just read. His reason for thinking the House ought to go further was this: We have been informed by the President that new principles have been interpolated by foreign Powers into the law of nations. What these principles are is not stated, except in one instance. To what extent they have been carried, we are not informed. We have, it is true, out-door information on the subject, but not of such a nature as to justify our acting in our legislative capacity. These principles, as well as the injuries we have received, were, in his opinion, a proper subject for the investigation of a committee.

Mr. NICHOLSON said he could not conceive in what the two resolutions differed, except in language. They both embraced the same object. In one respect only they differed. While the resolution of the gentleman from Massachusetts referred the subject to a select committee, his own resolution referred it to the Committee of Ways and Means. The investigation contemplated by the gentleman could be as well made by the Committee of Ways and Means, as by a select committee. Nor was it necessary for this purpose to give them any instructions. If the subject required investigation, it would be their duty to make it, and to lay the result of the investigation before the House. It would be allowed, that it was a subject in which the revenue was most deeply interested, and as such properly the province of the Committee of Ways and Means. For his own part, said Mr. N., he could have no objection to the resolution of the gentleman from Massachusetts; but, as his own resolution embraced the same object and went to the same extent, he perceived no reason against adopting it.

Mr. QUINCY could not agree that the resolution offered by the gentleman from Maryland either embraced the same object, or went to the same length with that proposed by his colleague. He thought that offered by his colleague far preferable, as it was more extensive in its views He was of opinion, that, whatever committee was appointed should investigate the nature of the principles alluded to in the Message, as well as the measures referred to. The Committee of Ways and Means were not bound to make a special report on the subject; they might content themselves with a general one; and it might be necessary afterward to appoint a new committee to make the requisite investigation. Mr. Q. was the more anxious, as he thought it necessary that a complete investigation should be made in the House of the nature and extent of the principles referred to in the Message.

Mr. ELLIOT said he did not perfectly understand the gentleman from Maryland when he told them that the subject contemplated to be referred, naturally and exclusively fell within the proper jurisdiction of the Committee of Ways and Means.

It would be admitted, on all hands, that the subject was not only important, but likewise novel. Our attention is forcibly called, in the Message, to this as a subject of the first importance:

"New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations."

Our attention is called to the important point of new interpolations into the law of nations, or in other words, to the adoption by the Government of one or more foreign Powers of what is considered as a modification of the ancient laws of nations, as accommodating them to their wishes, and as introducing new principles which they wish to impose upon other nations. How a subject so important naturally and necessarily belongs to the Committee of Ways and Means, it was impossible for him to say. But, says the gentleman, it is a question of revenue. How so? It may affect the revenue incidentally; but the question of revenue, from its comparative unimportance, is at once merged and lost in the more important question, whether we shall passively submit to the introduction of new principles to be imposed upon neutrals, by any Government whatever, however powerful or extensive its influence. On this subject, Mr. E. said, he thought, as it appeared by the Message the Executive thought, that it possessed great importance in itself. Nor did he conceive it possible to present any view more important than that taken by the resolution of the gentleman from Massachusetts. He acknowledged that the Committee of Ways and Means were fully competent to an investigation of the subject; in their ability to investigate it, he had full confidence. But he thought they had sufficient business in their proper sphere to occupy their attention. For these reasons, he hoped the resolution offered by the gentleman from Maryland would be rejected, and that submitted by the gentleman from Massachusetts substituted in its room.

Mr. GREGG thought the gentleman from Massachusetts would fully attain his object by offering a part of the resolution he had read, as an amendment to the resolution before the House. The resolution of the gentleman embraced two distinct parts; the first regarded the objects to be inquired into, and the last instructed the committee how to act. The resolution of the gentleman from Maryland embraces the same object. The end, therefore, of the gentleman from Massachusetts would be fully gained by adding the instructive part of his own resolution to the resolution under discussion. As to the difference between a standing and select committee, it was not so important as it appeared to be to the gentleman from Vermont. The subject, from its character, naturally came before the Committee of Ways and Means; and it was understood that standing com-

mittees went through the business referred to them with more regularity than a select committee.

Mr. BIDWELL said, that if gentlemen attentively considered the two resolutions, they would find that the resolution offered by the gentleman from Maryland did not go to the same extent with the resolution which he had the honor of proposing. The former referred to but one principle, and limited the subject to considerations connected with revenue. It appeared to him that, from out-door information, it would be found that various principles had been assumed relative to the law of nations to which we might not as a neutral nation choose to submit. It was true that the subject was connected with the revenue; so, however, was every subject. Every subject, whether connected with a state of peace or war, would necessarily, more or less, affect the revenue. Though this was the case with this subject, it ought not to be considered as primarily connected with revenue. Under present circumstances, we do not consider it principally as connected with finance, but with other subjects. Mr. B. said he had no particular wishes with regard to the committee to be appointed in this instance; but he did wish the subject examined in more extensive views than was contemplated in the resolution.

Mr. NICHOLSON observed that the principal objection made to the resolution he had offered was that the Committee of Ways and Means were not bound to investigate the subject, and submit to the House the result of their investigation. Some gentlemen think it necessary that instructions should be given to the committee to insure such an investigation. Mr. N. said, that he had known instances within the course of the six past years, in which a subject, apparently simple, had produced a voluminous report without any instruction of the House; and he had known other instances in which a subject of great importance had been referred, on which there had been reported a simple resolution, which afterward became the subject of argument within these walls. If in this case an investigation is desired, there is no doubt that the Committee of Ways and Means can make it, and give the result to the House. He recollected, some years ago, a simple resolution was referred to a committee of which he had the honor to be chairman. They considered the subject of vast importance, and thought it proper, in their report, to go at length into it. The report was made, and on it was predicated the extensive purchase of Louisiana. Yet, in this case, there were no instructions given. The committee, notwithstanding, thought it their duty to inquire into the subject; they accordingly did inquire, and made the report alluded to.

In every point of light in which the present subject could be viewed, it would be found to affect the revenue. There are various ways in which we may attack the belligerent nations. We may attack them by land or by sea. The preparations required for this purpose may not sink our present revenue, but render it necessary to resort to the raising additional revenue. Should there be a non importation act, which had lately been a subject of discussion in the public prints, it would necessarily affect our revenue, and before it could be agreed to or acted on, it would be absolutely necessary for the Committee of Ways and Means to enter into an investigation how the necessary revenue could be obtained. If we resort to the expedient of raising the duties on manufactured articles, he would ask if that were not a proper subject for the Committee of Ways and Means? The measure could not but affect our revenue deeply, and would it not become necessary for the Committee of Ways and Means to inquire to what extent the duties might be laid without producing the necessity of resorting to new taxes. But, as the gentleman from Massachusetts was desirous of instructing the committee, he had no objection so to modify his resolution as to add to it the latter part of the resolution offered by him.

So modified, the resolution was read from the Chai , as follows:

"*Resolved*, That so much of the Message of the President of the United States, as relates to the conduct of the belligerent Powers toward the United States, and to the unjustifiable construction lately given by some of them to the law of nations, as it regards the rights of neutrals, be referred to the Committee of Ways and Means, with instruction to inquire in what respects, and to what extent our neutral rights have been violated, and what legislative measures the true interest of the United States requires to counteract such violations."

Mr. BIDWELL inquired to what committee the defensive measures recommended by the President had been referred?

The CHAIRMAN replied to a select committee.

Mr. BIDWELL said that subject appeared to him as much connected with the revenue, as principles which respected the law of nations. If that subject had been referred, with propriety, to a select committee, surely this might also, as it was not so necessarily connected with revenue as to make it the peculiar business of the Committee of Ways and Means.

Mr. SMILIE remarked that, it appeared that the ideas of both the gentlemen were incorporated in the resolution as it stood; and that the only subsisting difference was as to the committee. This was not of sufficient importance to occupy much of their time. The subject might most properly go to a commercial committee; but, as he believed the Committee of Ways and Means perfectly competent, he should not object to the resolution.

The question was then taken on the resolution, and passed in the affirmative—ayes 56, noes 42.

The Committee rose and reported the resolutions, which the House immediately took into consideration.

The first, second, third, and fourth, were agreed to without a division; and the fifth—ayes 57.

The second resolution was referred to Messrs. DAWSON, N. WILLIAMS, BLOUNT, ELY, DARBY, and FISK.

The third resolution was referred to Messrs.

Varnum, Basset, Sturges, Lambert, Rea of Pennsylvania, Marion, and Blake.

And the fourth, to Messrs. Gregg. Garnett, Bidwell, Goldsborough, Hough, Wynns, and Russell.

Thursday, December 5.

Another member, to wit: James Kelly, from Pennsylvania, appeared, produced his credentials, and took his seat in the House.

A message from the Senate, informed the House that the Senate have appointed the Reverend Mr. Gantt to be one of the Chaplains to Congress, on their part.

Mr. John C. Smith observed that the House at their last session, had had before them a subject of considerable importance, which not having been then definitively acted upon, he thought it would be proper again to take into consideration. He therefore moved the following resolution:

Resolved, That a committee be appointed to inquire whether any, and, if any, what description of claims against the United States are barred by the statute of limitations, which in reason and justice ought to be provided for; and that said committee be authorized to report thereon by bill or otherwise.

This resolution was immediately considered, agreed to, and referred to a committee of seventeen members, viz.

Mr. J. C. Smith, Mr. Holmes, Mr. Bedinger, Mr. Stanford, Mr. Stanton, Mr. Moore of Maryland, Mr. Moore of South Carolina, Mr. Thompson of New Hampshire, Mr. Green, Mr. Chittenden, Mr. Halsey, Mr. Sloan, Mr. Anderson, Mr. Campbell of Tennessee, Mr. Morrow of Ohio, Mr. Meriwether, and Mr. Jackson.

On motion of Mr. Conrad, the following resolution was adopted:

Resolved, That the Doorkeeper of this House be allowed the same sum, as has heretofore been allowed, for the purposes of employing men and horses to enable him to execute the duties of his office.

Mr. Leib moved the following resolution:

Resolved, That a committee be appointed to inquire whether any, and if any, what alterations ought to be made in the act to regulate and fix the compensation of the officers of the Senate and House of Representatives.

Mr. Leib said it would be recollected that at the end of every session heretofore, it had been usual to submit propositions for an extra allowance to the officers of the House. It was desirable that the compensation of the officers should be fixed. That they might be fixed, and that no similar proposition should be offered hereafter, was his reason for offering this resolution.

The House immediately took it up, agreed to it, and referred it to a committee of three members.

On motion of Mr. Lewis the petitions heretofore presented for and against a bridge across the Potomac, at the city of Washington, were referred to a committee of five members, consisting of Mr. Thompson of Virginia, Mr. Campbell of Maryland, Mr. Lewis, Mr. Magruder, and Mr. Butler.

Friday, December 6.

Ordered, That Mr. Joseph Clay be appointed of the committee to whom was referred, on the fifth instant, so much of the Message of the President of the United States as relates to the aggressions committed on our coasts by foreign armed vessels; to the defence of our ports and harbors; to the building of seventy-four gun ships; and to the prohibiting of the exportation of arms and ammunition; in the room of Mr. Hamilton, who is absent.

Mr. Alston remarked that a memorial from a number of merchants from North Carolina, praying for the establishment of a port of entry at Plymouth had been presented at the last session; to which effect a bill had been brought in; but that, owing to the pressure of important business, it had either been rejected or postponed. He wished the subject to be again taken into consideration. To which end he moved the reference of the memorial to the Committee of Commerce and Manufactures.—Agreed to.

ARMY RULES, &c.

Mr. Varnum said it would be recollected that the rules and regulations for the government of the Army had never been revised since the era of the present Government; and that consequently the rules and regulations established during the Revolutionary war still continued in force, though our circumstances had materially changed. From the present aspect of affairs, he thought it became necessary that a revision should take place, that they might be adapted to the provisions under the present Government. An attempt to this effect had been made during the two last sessions; and in this House a bill had passed, which had been rejected in the Senate. He was of the opinion that it became the House, by again attending to the subject, to do their duty; and if neglect should attach anywhere, it should be at the proper door. He, therefore, moved the following resolution:

Resolved, That a committee be appointed to prepare rules and regulations for the government of the Army of the United States, and that they have leave to report by bill or otherwise.

Agreed to, and a committee of seven members appointed.

Mr. Dawson, from the committee on that part of the President's Message that relates to aggressions committed on our coasts, &c., having obtained leave to report by bill or bills, reported in part a bill prohibiting for a limited time the exportation of arms and ammunition from the United States, which was read twice, and made the order of the day for Monday next.

[This bill prohibits the exportation of the ordinary warlike articles until the —— day of ——, and declares all such as do not constitute a part of the equipment of a vessel, forfeited, and in case the same in value exceed —— dollars, declares the vessel forfeited.]

On a motion made to refer to a select committee the memorial of the Ohio Company, presented the last session, the House divided—ayes 63. Carried, and a committee of three members appointed.

COLLECTION OF DUTIES, &c.

Mr. LEIB offered the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of so far amending the act to regulate the collection of duties on imports and tonnage, as to extend the time for taking the oath and giving bond in cases of goods exported for drawback; and to authorize the Comptroller of the Treasury to grant relief to those who have forfeited their claims to debentures by exceeding the ten days assigned by law for taking the oath and giving bond, where no intention of fraud shall appear.

Mr. LEIB observed that it would be recollected that heretofore at every session of Congress petitions had been offered complaining of hardships under this act and soliciting relief. If redress were to be given, it ought to be under a general and not a special provision. At any rate it would be allowed to be advisable to institute an inquiry into the expediency of making such provision.

Mr. CROWNINSHIELD hoped the reference would obtain, as he had been acquainted with several hard cases under the present provisions of law.

The resolution was agreed to.

Mr. CROWNINSHIELD attracted the attention of the House to another provision under the same act, that related to the size of the casks and the weight of the packages in which it is made necessary to import sundry articles. He was of the opinion that some of these restrictions were useless for the protection of the revenue, at the same time that they embarrassed the merchant. If this were so they should be dispensed with. To make the proper inquiry on this point he moved the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to consider the expediency of amending the act to regulate the collection of duties on imports and tonnage, so far as relates to the importation of malt liquors, distilled spirits, and loaf and lump sugar, in casks, vessels, or packages of a limited capacity and weight, and to report thereon by bill or otherwise.

The resolution was agreed to.

YAZOO CLAIMS.

Mr. GREGG said he wished to submit to the House a resolution on a subject of considerable importance, which had engaged the House at several of its previous sessions, and which was generally known by the name of the Yazoo claims. The discussions on this subject had occupied much time, and had excited greater irritation than any other subject within these walls. He supposed there was no probability that the subject would be permitted, by the claimants, to sleep, while the act appropriating five millions was permitted to remain in force. His object was, to repeal that act. By this step the claimants would not be placed in a worse situation, as the courts of justice would be open to them. Mr. G. said he did not expect the House immediately to act on this resolution, though he was prepared, at once, to go into it. But as it was important, and related to a subject on which the papers were voluminous, he would be satisfied that it should lie for some time on the table, the more especially, that new members might become acquainted with it. He then offered the following resolution:

Resolved, That so much of an act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," as appropriates any portion of said lands for the purpose of satisfying, quieting, or compensating any claims to the said lands, derived from any act, or pretended act of the State of Georgia, and neither recognised by the articles of agreement and cession between the United States and the State of Georgia, nor embraced by the two first sections of the above-mentioned act, be repealed.

Ordered to lie on the table.

INDIAN LANDS.

Mr. GREGG observed that they had been informed by the President, in his communication at the opening of the session, that several purchases of lands had been made from the Indians, which were the more advantageous from their vicinity to thick settlements. It became necessary to make provision for the surveying and disposal of these lands. He believed that some amendments would be found necessary in the existing land laws, particularly with regard to lands in the neighborhood of Detroit. He therefore submitted the following resolution:

Resolved, That a committee be appointed to inquire whether any, and if any, what, alterations or amendments are necessary to be made in the several acts providing for the disposal of the lands of the United States northwest of the Ohio.

Mr. J. RANDOLPH suggested the propriety of permitting the resolution to lie on the table, until the treaties ceding the land had been ratified and carried into effect. It might also, he added, be found that the law for the disposal of the lands southwest of the Ohio required modification.

Mr. GREGG acquiescing in this disposition of the resolution, it was ordered to lie on the table.

EXECUTIVE DOCUMENTS.

A Message was delivered from the PRESIDENT OF THE UNITED STATES, by Mr. Coles, his Secretary, as follows:

"*Mr. Speaker:* I am directed by the President of the United States to deliver you a Message in writing."

The SPEAKER having received and opened a packet of considerable size, observed that the Message was confidential, and thereupon ordered the galleries to be cleared.

In about one hour and a half, the doors were opened, when it appeared that part of the communications made by the President were confidential, and that the members of the House remained under an injunction of secrecy with regard to them; and that another part was not confidential. This part embraces, among others, the following documents:

1. A letter from Governor Claiborne to the Secretary of State, dated October 24, 1805, in which, after stating the preparations making by the Spaniards at Pensacola and other places, he says: "I flatter myself that hostil

ities between the United States and Spain may be avoided, and that an honorable adjustment of our differences may ensue. But I am inclined to think that the Spanish agents calculate on a speedy rupture, and are making all the preparations that their means permit to commence the war in this quarter."

2. Statements respecting the detention of the American gunboats.

3. Correspondence between Governor Claiborne and the Marquis de Casa Calvo, on exempting the Spanish officers from municipal taxes.

4. Correspondence between Governor Williams, of the Mississippi Territory, and Governor Grandpre, with sundry communications to the Secretary of State on outrages committed in the Mississippi Territory.

5. Documents to show that the settlement of Bayou Pierre, on the Red river, at which a principal aggression took place, was originally made by France, while possessing Louisiana, and came to the possession of Spain only by the general delivery of Louisiana to her, and as a part of it.

6. Extract of a letter from C. Pinckney, dated August, 1805, as well as one dated September 22, 1805, respecting Spanish spoliations.

7. Communications from Gov. Claiborne, dated October 24, 1805, respecting obstructions on the Mobile.

8. Copy of a letter from the commandant of the ship Huntress to the Secretary of the Navy.

REVOLUTIONARY PENSIONS.

Mr. VARNUM said that during the late Revolutionary war with Great Britain, the Government of the United States thought proper to place on the pension list certain officers and soldiers who had been wounded or disabled in the war. It had so happened that, from a variety of circumstances, a large number of our meritorious officers and soldiers, of this description, had not been placed on the list. A number of them had kept back, and omitted reaping the benefit of this provision, under the expectation of supporting themselves by their own industry, or by the assistance of their friends. He believed that many had been prompted to this by the most laudable motives. Many of them had since found themselves unable to earn a decent subsistence. A number of petitions of this kind had, this morning, been referred to the Committee of Claims. Mr. V. said it was his wish that a general and ample provision should be made for all those who had been disabled in the Revolutionary war. The independence and happy situation of our country were owing to their exertions, and our wealth now enabled us to make an ample provision. He therefore moved:

"That the Committee of Claims be instructed to inquire what further measures are necessary to be adopted to remunerate the meritorious services of the officers and soldiers who were wounded or disabled in the Revolutionary war with Great Britain, with leave to report by bill or otherwise."

The resolution was immediately taken up and agreed to.

MONDAY, December 9.

Several other members, to wit: from Virginia, EDWIN GRAY, and WALTER JONES; from New York, HENRY W. LIVINGSTON and ELIPHALET WICKES; and from Georgia, JOSEPH BRYAN; appeared, produced their credentials was qualified and took their seats in the House.

Mr. LEIB presented a petition of the late crew of the frigate Philadelphia, representing that they have been advised that under the maritime regulations of the United States, persons taken by the Barbary Powers are allowed on their release a pecuniary compensation for clothing received during their captivity, and some small sum for tobacco and other articles, usually called jail-money, for which they have received no compensation; but that these extraordinary expenses have been deducted from their pay, and praying relief.—Referred to the Committee of Claims.

CONTESTED ELECTION.

Mr. BRYAN presented a petition from Thomas Spalding, representing that at the late general election in Georgia for Representatives, he had a a greater number of the votes given than Cowles Mead, returned as a member, and praying that he may be admitted to a seat. The petition states, that by an act of Georgia it is directed that within twenty five days after the day of election the votes shall be counted, and that the Governor shall thereupon make proclamation of the persons having the greatest number of votes and issue their commissions; that at the expiration of that time the votes of the counties of Camden, Liberty, and Tatnal, were not received at the Executive office, owing to which Mr. Mead had then a majority; but that on receiving them it appeared that the petitioner had 4.504 and the sitting member only 4.465 votes. That the failure to transmit the votes of those counties arose from an act of God; that there was a hurricane on the 8th of December, which flooded the country, swept away the bridges, and rendered the roads impassable, and that it was not until the expiration of the limited time that these obstructions were removed.—Petition referred to the Committee of Elections.

EXPORTATION OF ARMS, &c.

The House resolved itself into a Committee of the Whole on the bill "prohibiting, for a limited time, the exportation of arms and ammunition from the United States."

The Chairman having read the bill, as follows:

SEC. 1. *Be it enacted, &c.*, That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket-balls, lead, bombs, grenades, gunpowder, sulphur, or saltpetre; but the exportation of all the aforesaid articles is hereby prohibited until ——.

SEC. 2. *And be it further enacted*, That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of any vessel which, during the continuance of this prohibition, shall be found on board of any vessel in any river, port, bay or harbor within the territory of the United States, put on board with an intent to be exported from the United States, shall be forfeited, and in case the value thereof shall amount to —— dollars, the vessel on board which the same shall be seized, together with her tackle, apparel, and furniture, shall also be for-

feited: *Provided, nevertheless,* That nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the United States, in any vessel having a license as a coasting-vessel, the master, agent or owner of which shall have given bond with one or more sufficient sureties, to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel, and of such of the said articles as may be laden on board her; that the said articles shall be relanded and delivered in some port of the United States; or to prevent the exportation of any of the above articles on public account, under the direction of the President of the United States.

SEC. 3. *And be it further enacted,* That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported from the United States, the vessel in which the same shall have been exported, together with her tackle, apparel and furniture, shall be forfeited; and the captain or master of such vessel, knowingly offending in the premises, shall be liable to indictment, and upon conviction, shall forfeit and pay a sum not exceeding —— dollars; which shall be distributed in like manner as is hereinafter provided, as to other forfeitures incurred under this act.

SEC. 4. *And be it further enacted,* That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it, and not otherwise directed to be prosecuted and recovered, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships and vessels."

On the motion of Mr. MCCREERY, the words "pig iron and brass" were inserted in the first section.

On motion of Mr. DAWSON, the blank at the end of the first section was filled with the words "the end of the next session of Congress, and no longer; "the blank in the second section with "one hundred," and that in the third section with "one thousand."

On motion of Mr. DAWSON, the fourth section was so amended as to strike out the title of the act recited, and to introduce "An act to regulate the collection of duties on imports and tonnage."

Mr. QUINCY offered a new resolution, exempting from duty the greater part of the articles enumerated in the bill on their importation into the United States.

Mr. QUINCY observed that on examination, the bill before the committee appeared to be the same verbatim with that passed in the year 1797, with the exception of the new section moved by him, which had been omitted. What was the cause of the omission he did not know.

Mr. DAWSON said the powers of the committee restricted them to a prohibition of the exportation of military articles.

Mr. CROWNINSHIELD hoped the adoption of this new section would not be pressed at this time. The object of the bill under consideration was to prevent the exportation of certain military articles; that of the new section was to render their importation free of duty. He would not say that at a future time he would object to this measure, but he did not think it necessary at present. His mind not having been drawn to the subject he was not prepared to vote on it.

Mr. QUINCY said he had made the motion because he considered the new section conformable to the principle of the bill. The object was to insure to the country as large a portion of raw materials as was necessary for the exigency of the times. If any gentleman was of opinion that the quantity on hand is sufficient for this exigency he would be in favor of shutting the door against additional importations, by retaining the existing duties. If, on the contrary, there is not a sufficient quantity on hand, it became necessary and proper that a kind of bounty should be offered for increasing the stock. He had another reason for the section he had offered. The bill, as it now stands, will look to the public, as if the state of the country were not so pressing as it, perhaps, actually was. In 1797, the ground assumed in the new section was taken. If we now pass the bill without it, it will appear, said Mr. Q., as if we did not consider our exigencies as we thought them then. Without making a comparison between that period and this, I think the present exigency such as requires a similar step.

Mr. SMILIE did not deem the amendment a proper one at this time. It related to a subject distinct from that referred to the committee that brought in the bill—a subject of sufficient importance to stand by itself. He would not pretend to say that our present circumstances would not justify it. But what had been done at a former period under other circumstances was not a proof of its necessity at present. Before we go into it, we ought to inquire what its effects would be on the revenue, and whether existing circumstances required the sacrifice it would occasion. Indeed he doubted whether the House were prepared to vote one way or the other. If it were found necessary, he would heartily concur in it; but this was the more questionable, as it did not appear from the Message of the President that he viewed it as necessary.

Mr. BIDWELL was not, in this stage of the business, prepared to determine the propriety of the measure, as he did not know what its bearing would be on the revenues of the United States. He thought the House ought to be apprized of this, before they could with propriety take a step which might break in on the fiscal arrangements of the Government. The gentleman from Massachusetts says those opposed to his amendment ought to show that there is a sufficiency of the enumerated articles in the country, or that our manufacturers are competent to supply them. On the contrary, it appeared to him that it was incumbent on the friends of the proposition to show that there would be a deficiency, or an inability of our manufacturers to supply our wants, in case this provision should not be adopted.

Mr. CROWNINSHIELD observed that we could make in the United States almost all the articles

enumerated in the amendment, and that consequently it might, if adopted, injure our manufactures in a degree not contemplated. We certainly manufactured a great quantity of gunpowder and muskets. The duty on gunpowder was considerable, and the effect of its removal might be extremely prejudicial. With regard to saltpetre and sulphur, he did not know that he would object to suspending the duties imposed upon them, as they were the great raw materials most wanted, and as no duty had been exacted on them until about two years ago, and then on a construction of law. He hoped, however, his colleague would not press the subject at this time, as the House were not prepared for the discussion it might involve, and as it might materially affect the revenue. Though he would say that mere considerations of revenue would not of themselves induce him to vote against the proposed provision. He did not think the general state of the country required it.

Mr. QUINCY was glad to hear from gentlemen that the situation of the country was such as did not require the step he had proposed. His own impression had been that it was proper to take such a situation as if the country were on the eve of a war.

Mr. DAWSON observed that he was authorized to state that the Government was possessed of five hundred tons of saltpetre, and a large quantity of sulphur; and that he was well informed that there was in the country a sufficient quantity for all the purposes for which it might be wanted. Under these circumstances he did not consider the amendment proper, and hoped that it would be either withdrawn or rejected.

Mr. JOHN C. SMITH said he could not vote for the amendment under his present impressions. The sense of the House likewise seemed to be against it in its present shape. But the gentleman could obtain his end by moving to instruct the Committee of Ways and Means to inquire into its expediency. And should his amendment be rejected he hoped he would pursue this course. If, on such investigation, the measure should be found advisable, he had no doubt of its adoption.

Mr. QUINCY said that, considering the impressions of gentlemen, he would withdraw his motion.

On motion of Mr. CROWNINSHIELD the words "sheet copper," were enumerated in the first section.

On motion of Mr. DAWSON a new section was added, declaring that the act shall "commence and be in force from and after the first day of January, 1806."

On this section some diversity of opinion was expressed.

Mr. J. CLAY was in favor of the act going into immediate operation. Mr. CROWNINSHIELD was in favor of the time stated in the section, and Messrs. MACON and SOUTHARD were in favor of a short extension of it. In animadverting on this point, Mr. MACON pronounced it doubtful whether the principle of the bill were Constitutional.

So amended, the committee rose and reported the bill, whose consideration was postponed until to-morrow.

On motion of Mr. SOUTHARD, the petition of Stephen Sayre, and the report of the Secretary of State thereon, made the last session, were referred to a Committee of the Whole on Monday next.

Mr. J. RANDOLPH, from the Committee of Ways and Means reported on the petition of Anthony Benezet and others, concluding with a resolution that the prayer of the petition is reasonable, and ought to be granted.—Referred to the Committee of the Whole on Thursday next.

TUESDAY, December 10.

Several other members, to wit: from Kentucky, JOHN BOYLE; from New Jersey, WILLIAM HELMS; from Connecticut, TIMOTHY PITKIN, junior; and from New York, PHILIP VAN CORTLANDT; appeared, produced their credentials, were qualified, and took their seats in the House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report and estimates of the revenue and receipts of the United States, for the years 1801, 1802, 1803, 1804, and for three quarters of the year 1805, prepared in obedience to the act entitled "An act to establish the Treasury Department;" which were read, and referred to the Committee of Ways and Means;

A petition of the Legislative Council of the Territory of Orleans was presented to the House and read, praying that all the lands of the United States lying within the limits of the city of New Orleans, and such other lands as the wisdom of Congress may deem adequate, may be appropriated for the establishment and support of colleges, schools, and other seminaries of learning, in the said Territory.—Referred to Mr. GEORGE W. CAMPBELL, Mr. JONES, Mr. BRYAN, Mr. JOHN WHITEHILL, and Mr. WADSWORTH; and that the said committee have leave to report thereon by bill, or otherwise.

A message was received from the President of the United States, supplementary to his Message of the 6th instant, enclosing sundry documents in addition to those laid before the House, viz:

1. Relative to the detention of the public buildings at New Orleans.

2. Relative to the conduct of Spain in Louisiana, in the establishment of posts, &c.

3. Relative to the obstruction of the commerce on the Mobile.

Which were ordered to be printed, and referred to the same committee to whom the papers previously received were referred.

Mr. J. CLAY presented a petition from sundry manufacturers of hats in Philadelphia, remonstrating against the mode pursued by the Superintendent of the Indian Department of vending furs, and requesting that the same may be regulated by law, and that the sale be by public auction.—Referred to the Committee of Commerce and Manufactures.

Mr. SLOAN laid the following resolution on the table:

Resolved, That a tax or duty of ten dollars per head be imposed on all slaves hereafter imported into the United States.

Ordered, That the report of the Commissioners under the act, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," which was made to this House on the thirteenth of February last, be referred to Mr. THOMAS, Mr. WILSON, and Mr. CHANDLER, with leave to report thereon by bill, or otherwise.

EXPORTATION OF ARMS, &c.

The House took into consideration the amendments of the Committee of the Whole to the bill prohibiting, for a limited time, the exportation of arms and ammunition from the United States; in all of which they concurred.

Mr. COOK moved to substitute "five hundred dollars" in the room of "one hundred;" the sum for exporting prohibited articles beyond which is followed by the forfeiture of the vessel—under the impression that the provision was too rigorous.

This amendment was supported by Mr. CROWNINSHIELD, and opposed by Mr. DAWSON, and lost —77 members concurring in the report of the Committee of the Whole.

On the motion of Mr. OLIN, "cannon balls and mortars" were added to the list of prohibited articles.

On motion of Mr. DAWSON, an amendment was introduced, applying the penalties of the bill to the exportation of the prohibited articles by land.

On motion of Mr. NICHOLSON the provisions of the bill were extended to the Territories of the United States.

Mr. GREGG said he understood the bill under consideration was only a report in part. He had no disposition to oppose its passage. He only rose to express his hope that when the committee made a further report, they would lay before the House the information necessary to enable them to act intelligently. It had, from the commencement of the Government, been the practice of the House to call on the Secretary of War to state the amount of military stores on hand, accompanied by his opinion of the further supplies deemed necessary. No such thing had yet been done this session. The House neither knew the quantity of military stores on hand, or could calculate the effects of the bill. They did not know what was the quantity of sulphur and saltpetre on hand, or whether there was a sufficiency of those important raw materials, in case we should be embroiled in a war—

The SPEAKER here interrupted Mr. GREGG by observing that there was no motion before the House.

After a few remarks from Mr. NICHOLSON and Mr. GREGG, on the details of the bill, it was ordered, on the motion of the former, to be re-committed to the committee who introduced it, for amendment.

WEDNESDAY, December 11.

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of extending the limits of the district of Washington, in North Carolina, so as to include Shell Castle Island, and report their opinion by bill or otherwise.

Another member to wit: DANIEL C. VERPLANCK, from New York, appeared, produced his credentials, and took his seat in the House.

Mr. DAWSON reported various amendments to the bill "prohibiting, for a limited time, the exportation of arms and ammunition from the United States," which the House took immediately into consideration, and concurred in, with an amendment, striking out "pig iron," from the prohibited articles.

The bill thus amended, remains the same in substance as it passed the Committee of the Whole. It was ordered to be engrossed for a third reading to-morrow.

Mr. BIDWELL said that, in the late war between the United States and Tripoli, distinguished services had been rendered by Mr. Eaton, which had contributed to the peace lately made with that Power. Intimation of this fact was not only derived from its public notoriety, but likewise from the President of the United States. He thought these services worthy the notice of Congress. He therefore submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present a sword, in the name of Congress, to William Eaton, Esq., as a testimony of the high sense entertained of his gallantry and good conduct in leading a small band of our countrymen, and others, through the desert of Lybia, on an expedition against Tripoli, in conjunction with the ex-Bashaw of that Regency; defeating the Tripolitan army at Derne, with the assistance of a small part of the naval force of the United States, and contributing thereby to a successful termination of the war, and the restoration of our captive fellow-citizens to liberty and their country.

Referred, on the motion of Mr. VARNUM, to a Committee of the Whole to-morrow.

On motion of Mr. SLOAN the House took up his motion relative to the imposition of a tax of ten dollars on every slave imported into the United States.

Mr. D. R. WILLIAMS hoped the consideration of the resolution would be postponed. The law, he said, which had excited such irritation was at present before the Legislature of South Carolina, and would, in all probability, be repealed. If repealed, any resolution of this House would be useless. He therefore moved its postponement until Monday fortnight.

Mr. SLOAN said, he had no objection to the postponement, which was carried without a division.

FRENCH SPOLIATIONS.

Mr. J. RANDOLPH observed that, at the first session of the eighth Congress, there had been an appropriation of $3,750,000 for the purpose of paying American claims for spoliations committed by the people of France, which had been assumed in the convention that transferred to the United

States the sovereignty of Louisiana; that bills, in satisfaction of these claims, were daily presented for payment at the Treasury; but that, on the 31st of this month, the appropriation would cease, when the sum remaining unexpended would be carried to the credit of the surplus fund. The Committee of Ways and Means had received a letter, representing the circumstances, from the Secretary of the Treasury, which had induced them to come to a resolution to ask leave to present a bill on the subject.

Leave having been granted—

Mr. J. RANDOLPH made a report, consisting of a letter from the Secretary of the Treasury, representing the facts stated by him, and a bill, "supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the 30th of April, 1803, between the United States and the French Republic.

The bill provides that the balance of the $3,750,000 remaining unexpended on the 31st of December next shall not be carried to the surplus fund, but shall continue applicable to the satisfaction of the claims until they shall be satisfied.—Referred to the Committee of the Whole on Monday next.

THURSDAY, December 12.

Another member, to wit: JOHN HAMILTON, from Pennsylvania, appeared, produced his credentials, was qualified, and took his seat in the House.

BENJAMIN PARKE having also appeared as a Delegate from the Indiana Territory of the United States, the said oath was administered to him by the SPEAKER, and he took his seat in the House accordingly.

An engrossed bill prohibiting, for a limited time, the exportation of arms and ammunition from the United States, was read the third time, and passed.

Mr. VARNUM, from the committee appointed on the second instant, to prepare and report such standing rules and orders of proceeding as are proper to be observed in this House, made a report thereon; which was read, and committed to a Committee of the whole House on Monday next.

The SPEAKER laid before the House a letter, in the German language, addressed to him, accompanied with two printed books in the same language.—Referred to Messrs. CONRAD, BEDINGER, and SAMMONS.

On the motion of Mr. NEWTON, the House came to the following resolution:

Resolved, That the Committee of Commerce and Manufactures be instructed to take into consideration the case of the brig George, detained in the port of Norfolk, with one thousand two hundred demijohns of brandy on board, and to report thereon by bill or otherwise.

Mr. NEWTON, previous to the adoption of this resolution, explained the peculiar circumstances of the case, arising from the recent British orders relative to the trade of neutrals.

Mr. J. C. SMITH, from the Committee of Claims, instructed to inquire what further steps are proper to remunerate meritorious officers, &c., reported a bill in addition to an act to make provision for persons disabled by known wounds received in the Revolutionary war; which was read twice, and referred to the Committee of the Whole.

[This bill provides that the provisions of the act of the 3d of March, 1803, shall be construed to extend to all persons who received actual wounds in the Revolutionary war, whether as volunteers or militia, and that they shall be placed on the pension list, though they may have resigned, or have been discharged, or have been in captivity at the termination of the war; and to those who, having during the war received wounds, have since become disabled thereby; authorizes the allowance of increased pensions, in cases of such disability, by the Secretary of War, on the certificate of two physicians, provided that such augmentation does not exceed a full pension; and prescribes a full pension to a commissioned officer shall be half the amount of his monthly pay, to a non-commissioned officer or private five dollars per month, and that no pension shall exceed the half pay of a lieutenant colonel.]

On motion of Mr. FISK, the House came to a resolution instructing the Committee of Claims to inquire whether any further compensation ought to be allowed to any of the collectors of the direct tax for services by them performed, and whether any compensation ought to be made them for moneys actually paid, in the prosecution of the respective duties of their office, beyond the sums allowed by law.

PUBLIC ROADS.

Mr. JACKSON called the attention of the House to a subject before Congress at their last session, relative to the application of a certain part of the net proceeds of lands of the United States within Ohio, to the making roads, to revive which, he offered the following resolution:

Resolved, That a committee be appointed to *prepare and bring in a bill* making provision for the application of the money heretofore appropriated to laying out and making certain public roads.

Mr VARNUM suggested the propriety of making the reference more general, and moved the substitution of the words "to inquire into the expediency of," in the room of those in *italic*.

Mr. JACKSON could not accede to this amendment, as the plighted faith of the nation was pledged to the application he had stated. He would have no objection to enlarging the powers of the committee so as to enable them to inquire into the expediency of applying additional sums to the same object.

Mr. VARNUM'S amendment having prevailed—ayes 60, the resolution, thus amended, passed.

GENERAL EATON.

On the motion of Mr. BIDWELL, the House resolved itself into a Committee of the Whole on

the resolution offered yesterday relative to William Eaton.

The Chairman read the resolution as follows:

"*Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States be requested to present a sword, in the name of Congress, to William Eaton, Esq., as a testimony of the high sense entertained of his gallantry and good conduct in leading a small band of our countrymen and others through the desert of Lybia, on an expedition against Tripoli, in conjunction with the ex-Bashaw of that Regency; defeating the Tripolitan army at Derne, with the assistance of a small part of the naval force of the United States, and contributing thereby to a successful termination of the war, and the restoration of our captive fellow-citizens to liberty and their country."

Mr. BIDWELL moved to amend the resolution by striking out the word "sword," and by inserting in lieu thereof the words "a medal of gold, with proper devices."

Mr. J. CLAY wished the gentleman from Massachusetts would let the word "sword" stand in the resolution. It was only on extraordinary occasions, he believed, that a medal was awarded. He was very willing to vote for presenting a sword on this occasion; but, if a medal was insisted upon, he should be compelled to vote against the resolution.

Mr. ELLIOT requested that the resolution passed at the last session, relative to Commodore Preble, and the officers and marines under his command, might be read.

The resolution was accordingly read, which ordered a medal to be struck, and a sword to be given to each of the officers.

Mr. E. said, that the objection of the gentleman from Pennsylvania (Mr. J. CLAY) to the amendment offered by the gentleman from Massachusetts, (Mr. BIDWELL) substituting a gold medal in the room of a sword, appeared to be founded on the idea that a medal would be a meed disproportioned to the importance of the services, or the official rank of the gentleman who was the object of the resolution; in other words, that it would be too great a reward. I did not, said Mr. E., anticipate the objection from any quarter of the House, and regret extremely that it has arisen. From the peculiar character with which the gentleman who is intended to be honored by the resolution, was invested by the Government, it becomes a point of no small delicacy, and even of some difficulty, to debate the question at all. We are, indeed, told in the President's Message, that the important services of our gallant countryman undoubtedly contributed to the impression which produced peace with Tripoli. It was proper for the President to say this, and to say no more; but, in order to enable us to pay a proper tribute on our part to merit so conspicuous, it becomes necessary to avail ourselves of information derived from unofficial sources. In everything which we can do upon this subject, we are anticipated by the loud voice of fame, and this consideration has induced me sometimes to doubt the propriety of doing anything whatever. It has, however, always been deemed policy, and even duty in free governments, to distinguish by national honors those citizens who have performed important national services. It is perfectly understood that our brave countryman commanded, in conjunction with the ex Bashaw of Tripoli, a force sufficiently respectable to be considered as an army, and of course that the popular appellation of General Eaton had been conferred upon good grounds. In that strong point of view in which the subject will be seen by liberal minds, inadequacy of force and means, compared with the greatness of the object and the event, will give greater honor to the achieving of the enterprise. If we act at all, we ought to bestow a mark of distinction suitable for a general officer, or an officer of distinguished rank, to accept. Shall we refuse a medal, the appropriate reward of the brave Preble, and offer a sword, which was given to the subordinate naval officers, when the services of Preble, however meritorious, and greatly meritorious they were, failed of effecting the object which the world believes that Eaton has accomplished? By the modern notions of martial etiquette and honor, a sword is the appropriate token of distinction and reward for officers of subordinate rank. It is believed that a simple and concise vote of thanks, by the Representatives of a free people, is the noblest meed of exalted merit and patriotism.

An army, composed in part of Americans, but chiefly of the descendants of the ancient Grecians, Egyptians, and Arabians; in other words, an army collected from the four quarters of the globe, and led by an American commander to conquest and glory, is a phenomenon in military history calculated to attract the attention of the world, not only by its novelty, but by its real influence and consequence. It ought to be considered, too, that this army, notwithstanding the singularity of its organization and character, and the smallness of its numbers and its means, acted in a cause which might be thought to affect, at least in some remote degree, the general interest of mankind. Since the destruction of Cato, and his little senate at Utica, the banner of freedom had never waved in that desert and barbarous quarter of the globe; and he who carried it so nobly, in the language of the resolution, through the desert of Lybia, and placed it so triumphantly upon the African shore of the Mediterranean, deserves to be honorably distinguished by that country and that Government, to which the enterprise has added lustre. I repeat it, Mr. Chairman, we can do nothing in which we are not anticipated by fame. Fame has already devoted to the name which we are laboring to celebrate, the *monumentum aere perennius*, the imperishable column of glory, which is the just reward of patriots only, and which impartial history denies to the mere conquerors and robbers of mankind.

Mr. SMILIE remarked, that it added to the value of an honor conferred, to have it bestowed by an unanimous vote. It was not, however, his purpose to trouble the House with a speech. He should confine himself to making one or two re-

marks. He considered it correct that honors conferred should be apportioned to merit. It was not so important whether the man, on whom they were bestowed, was the commander of an army, or whether he filled an inferior station. Whatever his station might be, he who conducted himself well in the service of his country, was entitled to her thanks. Mr. S. said he would next examine the advantages which the services of Mr. Eaton had gained to his country, and see whether they were equal to those which we had derived from the services of other great men. From his impression, he thought they had been highly advantageous, and equally so with those rendered by Commodore Preble, and his brave associates, whose conduct he highly approved. He believed that the expedition of Mr. Eaton had greatly contributed to a peace; and if this were so, he did not know a more essential service he could have rendered. For these reasons he was in favor of awarding a medal in preference to a sword.

Mr. QUINCY hoped the House would bestow a medal instead of a sword. He would say that, on such an occasion, a medal was more proper than a sword. When the resolution was offered, he had a solid objection to it, which had, in some measure, been removed by the proposed amendment. A sword was not an appropriate reward for the service rendered on this occasion. It was a reward for valor, and mere valor. In this case he considered the valor displayed as a very small part of the distinction of Mr. Eaton. He wished that the motion had been submitted to a select committee, that not only the nature of the compliment, but likewise the form of the expression, might have been better adapted to what he conceived to be the character of the service rendered. He did not think the circumstances stated in the resolution were those which were the most appropriate. He did not consider the leading a small band through the desert of Lybia, the defeating the Tripolitan army at Derne, the contributing to a peace, and the liberation of our countrymen, as characteristic of the services rendered. The peculiar character of those services was this: that Mr. Eaton, being a private citizen, and called upon by no official station or duty, had the greatness of mind to plan a scheme by which the dethronement of an usurper, the restoration of the lawful heir, and the release of ou rcaptive countrymen, were to have been effected. A conception of this kind belonged only to great and superior minds; and what was sufficient to fill the minds of most men, the machinery for effecting this plan, was to him but of a secondary nature. He believed it would be for the reputation of the United States to give some select and appropriate reward, such as a man like Eaton ought to receive, and such as it would be to the honor of our country to give.

The question was then taken on Mr. BIDWELL'S amendment, which was carried by a considerable majority.

Mr. JACKSON said, he entertained a high sense of the extraordinary merit of the officer who was the object of the resolution under consideration, and was of opinion that the House should express their highest sentiment of approbation. To do this, he thought the phraseology of the resolution ought to be changed in conformity to the ideas of the gentleman from Massachusetts. He would, therefore, with this view, move that the Committee should rise, with the intention of moving in the House the reference of the resolution to a select committee for such alteration.

The question was taken on the rising of the Committee—yeas 52, nays 54.

Mr. QUINCY suggested the propriety of substituting Barca in the room of Lybia, as the latter was an antiquated word, not to be found in modern maps.

Mr. BIDWELL observed, that he was not tenacious of the particular form of the expression. If that suggested by his colleague was deemed most correct, he had no objection to it. He would, however, remark that the word Lybia was taken from an expression used by Mr. Eaton in one of his letters. It was certainly a word used in modern times, although it might not be in general use.

As to the general question, Mr. B. hoped that, as some gentlemen thought the resolution went too far, while others thought it did not go far enough, and, as the general sentiment was, that something ought to be done by the House, it would be considered that a middle course between the two extremes was the fittest, and that there would be sufficient mgnanimity to give a unanimous vote in favor of the resolution. For himself he was willing to have it varied so as to make it conform to the general sense of the Committee, for the purpose of insuring unanimity.

Mr. QUINCY said he was not particularly tenacious of the form of expression used. He had only risen to state his knowledge as far as it went. Lybia was a word in use among classical men, among poets, but not among men of business.

The question was put on substituting Barca in the room of Lybia, and passed in the negative by a considerable majority. The resolution, as amended, was then agreed to without a division.

The Committee rose and reported it to the House, who immediately took it into consideration.

The amendment for substituting "a gold medal with proper devices," in the room of "a sword," being under consideration,

Mr. J. CLAY said, as the Committee of the Whole had reported their agreement to the amendment, and as a desire had been expressed that there might be an unanimous vote on the occasion, he wished more information on the subject than he possessed before he could act upon it. After having obtained this he might very probably vote for the amendment. He, therefore, moved a reference of the resolution to a select committee, who might obtain the information required from the Secretary of the Navy.

Mr. JACKSON observed, that the names of other gentlemen, who were before the walls of Derne, had been announced in the newspapers, as having assisted in the achievements that were the object of the resolution under consideration. It was not improper to inquire whether they ought to be as-

sociated in the honors awarded by Congress. To insure, therefore, unanimity, and bestow proper praise, he hoped the course pointed out by the gentleman from Pennsylvania would be pursued.

The motion to refer the resolution to a select committee was carried—yeas 69; and Messrs. BIDWELL, J. CLAY, THOMPSON, of New Hampshire, MASTERS, GRAY, ARCHER, and CASEY, were appointed a committee.

FRIDAY, December 13.

Two other members, to wit: from Delaware, JAMES M. BROOM, and from Kentucky, JOHN FOWLER, appeared, produced their credentials, were qualified, and took their seats in the House.

Mr. THOMAS, from the committee appointed on the tenth instant, presented a bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British provinces of Canada and Nova Scotia;" which was read twice and committed to a Committee of the whole House on Monday next.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report and estimates of appropriation necessary for the service of the year 1806; also, a statement of the receipts, and expenditures at the Treasury of the United States, for one year preceding the first day of October, 1805, which were read, and referred to the Committee of Ways and Means.

On motion of Mr. DAWSON, the Message of the President relative to the brigantine Henrick, together with the report of the Committee of Claims thereon, made at a former session, were referred to the Committee of the Whole on Wednesday next.

The House went into an election for a Chaplain in the room of Mr. GLENDY.

Messrs. Chalmers, Laurie, and Rattoon, were nominated.

The ballots having been taken, the Speaker declared Mr. LAURIE elected, he having 62 votes.

THEODORICK ARMISTEAD.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was yesterday referred the petition relative to a vessel at Norfolk, reported a bill for the relief of Theodorick Armistead, which was referred to a Committee of the Whole to-day.

The bill authorizes the Collector at Norfolk to admit to entry 1200 demijohns of brandy imported by T. Armistead, in the brig George, from the island of Teneriffe.

The House went immediately into Committee of the Whole.

Mr. NEWTON fully explained the peculiar circumstances of this case, and called for the reading of the documents relative to it; from which it appeared that some time since the owner of the brig George hired her to go to Teneriffe, where he took a cargo for the Havana; hearing subsequently of the late British orders, he thought it prudent to return to Norfolk, where he now lies; but owing to the revenue laws of the United States he is prohibited from entering brandy in quantities as small as those contained in the demijohns. He, therefore, asks permission to land these articles on paying the usual duties.

Mr. MACON (the Speaker) expressed his opinion of the incorrectness of the course pursued on this occasion, on which the Committee of Commerce and Manufactures, contrary to the usual practice of the House, had reported a bill without assigning their reasons in an accompanying report. He wished that such a report might be made, and that it might stand as a precedent, in case other applications should be made, to show the peculiar grounds on which the House acted. It was further his wish that there had been a bill embracing the general principle involved in this case, in preference to one making a special provision. That a detailed report might be made, he moved that the Committee should rise, in order to make way for a motion to recommit the bill to the Committee of Commerce and Manufactures.

Mr. NEWTON opposed this motion. He represented the case as extremely hard; that the facts were all before the House and were indisputable; that the vessel had been detained since October; that nothing was asked but what was perfectly fair; that the necessity of making the request arose from orders recently issued by a King who, though he could do no wrong to his own subjects, practised great injuries on American citizens. With regard to the general principle, a diversity of opinion, he said, existed in the Committee of Commerce and Manufactures, and to wait until this should be decided might involve great and injurious delay. As to one suggestion of the honorable Speaker, it would be easily obviated by the documents then in the possession of the House, remaining on file, which would clearly discriminate this case from all others which might hereafter come before them.

Mr. J. CLAY allowed that this was a hard case, but doubted much whether it was sound policy in the Government to recognise a high insurance, which was demanded in this instance on the exportation of the brandies, as sufficient ground for allowing them to be landed, in contravention of a principle of the revenue system. He remarked that this case did not arise from any fault of the American Government, but from the aggressions committed on our rights by a Government who made their own interests the rule of their conduct towards other nations. He concluded by concurring with the Speaker in the course recommended by him.

Mr. CROWNINSHIELD hoped the Committee would not rise. The prayer of the petitioner was very reasonable. All he asked was to land his goods on paying the legal duties on them. He passed over the ground taken by Mr. NEWTON, and added that if the owner of the goods were driven, by a denial of the indulgence he asked, to export his goods, they might be seized under the plundering order of His Britannic Majesty, and both goods and duties be lost.

Mr. C. said that in the Committee of Commerce and Manufactures he had been in favor of

reporting a bill for making a general provision; but that having been overruled in this point, the members of the committee not having made up their minds on its propriety, it became his duty to make a special report, in which he heartily concurred. He could not conceive why the entry of brandy and several other articles should be refused, unless imported in vessels of a particular size, while other articles of greater value in proportion to their bulk were admitted without restriction.

On the rising of the committee a division took place—yeas 56, nays 47.

The Committee rose, reported that they had made progress, and asked leave to sit again.

Leave being denied, on the motion of Mr. J. CLAY the bill was recommitted to the Committee of Commerce and Manufactures.

MONDAY, December 16.

Two other members, to wit: from South Carolina, O'BRIEN SMITH, and from New York, GEORGE CLINTON, junior, appeared, produced their credentials, were qualified and took their seats in the House.

Ordered, That the act passed by the Legislature of the State of South Carolina, on the twenty-first of December, one thousand eight hundred and four, entitled "An act to authorize the City Council of Charleston, with the consent of Congress, to impose and levy a duty on the tonnage of ships and vessels, for the purpose therein mentioned," presented to this House on the eighth of February last, with the documents accompanying the same, be referred to Mr. MARION, Mr. TRACY, Mr. SMITH, of Virginia, Mr. BROOM, and Mr. COOK; to examine and report their opinion thereupon to the House.

On motion, it was

Resolved, That a committee be appointed to inquire into the expediency of so far amending the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accrued in certain cases therein mentioned," as to extend the powers vested in the District Judges of the United States to the Judges of the Judicial Courts of the several States; and that the said committee be authorized to report thereon by bill, or otherwise.

Ordered, That Mr. SAILLY, Mr. PITKIN, Mr. BARD, Mr. MORROW of Virginia, and Mr. FOWLER, be appointed a committee pursuant to the said resolution.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was recommitted, on the thirteenth instant, the bill for the relief of Theodorick Armistead, made a report thereon: Whereupon,

Ordered, That the said report, together with the bill, be committed to a Committee of the Whole to-morrow.

RULES OF THE HOUSE.

On motion of Mr. VARNUM, the House went into a Committee of the Whole on the Standing Rules of the House.

Mr. ALSTON moved to strike out the following words in one of the rules:

"It shall be the duty of the Committee of Accounts to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House."

This amendment was supported by Messrs. ALSTON and DAWSON, under the impression that this new mode of settling the accounts of the members would be extremely inconvenient, if not impracticable.

It was opposed by Messrs. J. CLAY, FINDLEY, VARNUM, ELMER, and BIDWELL, who stated that, under the former practice of the House, which devolved the duty on the Speaker and Sergeant-at-Arms, errors had been committed; that these would in future be best avoided by a standing committee; that this would relieve the Speaker and Sergeant-at-Arms from a burden at the close of the session, when other presing business necessarily engaged their attention, and would guard the reputations of members from insinuations to their discredit.

During the discussion, the SPEAKER, without expressing any opinion on the prospect of the amendment, made a minute statement of the practice which had heretofore prevailed on this point, in which he observed that but one instance within his knowledge had occurred since he had filled the Chair, of a member who had received a greater compensation for his attendance than he was entitled to; and that this circumstance must have arisen from accident, as it involved his receiving pay for one day more than the length of the session—an error which was immediately after the hurry of business detected. He further stated, that with respect to the mileage account, that was entirely made out in conformity to the representation of the members.

Mr. ALSTON's amendment was disagreed to—yeas 33.

Mr. J. CLAY moved to strike out the words in *italic* in the following rule:

"When a question is under debate, no motion shall be received, unless for the previous question, *to postpone it indefinitely*, to postpone it to a day certain, to lie on the table, to commit it, to amend it, or to adjourn."

Mr. NICHOLSON supported and Mr. VARNUM opposed this motion, which was disagreed to—yeas 44, nays 51.

Mr. SMILIE moved an amendment, prescribing that if the previous question shall be decided in the negative, "the consideration of the main question shall not be resumed during the same session."

Messrs. SMILIE, FINDLEY, and J. CLAY, spoke in favor of, and Messrs. VARNUM and QUINCY against, the amendment, which was disagreed to—ayes 32.

On the motion of Mr. NICHOLSON, the following new rule was adopted—yeas 32:

"When a question is postponed indefinitely, the same shall not be acted upon during the session."

Mr. SMILIE moved to strike out the words in *italic* in the following rule: "On a previous ques-

tion, *no member shall speak more than once without leave*," and insert in lieu thereof "there shall be no debate."

Messrs. SMILIE and NICHOLSON advocated, and Messrs. BIDWELL, G. W. CAMPBELL, and VARNUM, opposed this motion, which was disagreed to—yeas 35.

Mr. FINDLEY suggested the propriety of instituting a permanent committee, to be charged with whatever respects the lands of the United States, and moved a rule for the appointment of a standing committee of seven members, to be styled "A Committee respecting the Lands of the United States;" which motion was agreed to—yeas 59, nays 31.

The Committee then rose, and asked leave to sit again, which the House granted.

TUESDAY, December 17.

Two other members, to wit: from Virginia, MATTHEW CLAY, and from Kentucky, MATTHEW WALTON, appeared, produced their credentials, and took their seats in the House.

Mr. TENNEY made a report in the name of the Committee of Revisal and Unfinished Business.

Mr. GREGG withdrew a motion, made by him a few days since, relative to the disposition of public lands recently acquired from the Indians, under the impression that the subject would of course go to the standing land committee.

On the motion of Mr. GREGG a standing Committee on Public Lands were appointed.

Mr. STANTON moved the following resolution:

Resolved, That the Committee of Revisal and Unfinished Business be instructed to inquire into the expediency of suspending, for a limited time, so much of an act regulating foreign coins, and for other purposes, as is contained in the second section thereof, with authority to report by bill or otherwise.

Mr. ALSTON observing that this subject was under the consideration of the Committee of Revisal and Unfinished Business, who would probably soon make a report upon it, the resolution was disagreed to—yeas 29.

Mr. J. C. SMITH, from the Committee of Claims, made a report on the petition of the crew of the late frigate Philadelphia, unfavorable to the petitioners, which was referred to a Committee of the Whole to-morrow.

THEODORICK ARMISTEAD.

The House resolved itself into a Committee of the Whole on the bill for the relief of Theodorick Armistead; on which a debate of about one hour's duration ensued.

The bill was supported by Messrs. CROWNINSHIELD, SMILIE, NEWTON, ALSTON, and MCCREERY; and opposed by Messrs. J. C. SMITH and MACON.

The opposition was sustained on the alleged invariable practice of the House to establish general principles, instead of providing for special cases. As a general principle, which would embrace this case, was pending before the Committee of Commerce and Manufactures, it was contended to be the most proper to wait until a decision should be made on this principle, by which provision would be opened for all similar cases, by taking off the existing restriction on the importation of spirits which precluded their admission in smaller vessels than of ninety gallons.

The friends of the bill declared the case to be an extremely hard one, and explained the peculiar circumstances attending it as we have already stated them on a former day. They represented that delay in this case would be equal to a denial of justice, and would, by the accruing expenses of demurrage, which fell on the petitioner, eat up the value of his brandies; that the general provision alluded to would probably excite much diversity of sentiment, and might, after considerable delay, be rejected.

In the course of the debate Mr. CROWNINSHIELD, alluding to the recent British orders, spoke of them "as novel and strange principles acted on by their courts;" and Mr. NEWTON represented them as "piratical orders issued by the King and Council of Great Britain;" remarking that he could call them by no other name.

After adopting an amendment for securing the payment of the duties, offered by Mr. J. CLAY, the Committee agreed to the bill—nays 27; rose and reported it to the House, who ordered it to be engrossed for a third reading to-morrow.

RULES OF THE HOUSE.

The House again went into Committee of the Whole on the standing rules of the House.

After making a slight amendment in one of the rules, the Committee rose and reported their agreement to the rules, with certain amendments.

The House immediately took up the report.

On the amendment offered by Mr. FINDLEY, relative to the appointment of a standing committee respecting the lands of the United States, a debate of some length ensued, in which the amendment was supported by Messrs. GREGG, NICHOLSON, and SMILIE; and opposed by Mr. BEDINGER.

Mr. BEDINGER suggested his fears, lest a standing committee, vested with the entire business connected with the public lands, should gain such an ascendency over the sentiments and decisions of the House, by the confidence reposed in them, as to impair the salutary vigilance with which it became every member to attend to so interesting a subject.

On the other hand it was contended that the business of the House would, on this point, be greatly facilitated by the institution of a standing committee, whose decisions would be uniform, who would from a long experience become more enlightened than a select committee, and who would be enabled to despatch the business confided to them with greater celerity.

The amendment was agreed to—yeas 87.

The remaining amendments proposed by the Committee of the Whole were agreed to.

Mr. EARLY renewed the amendment, offered yesterday by Mr. SMILIE, to preclude all debate on the previous question; which, after a few remarks from Messrs. EARLY, SMILIE, and VARNUM, was

agreed to—yeas 69; when the House concurred in the whole report as amended. It was as follows:

Rules and Orders for conducting business in the House of Representatives of the United States.

First.—Touching the duty of the Speaker.

He shall take the chair, every day, precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

He shall preserve decorum and order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members.

He shall rise to put a question, but may state it sitting.

Questions shall be distinctly put in this form, to wit "As many as are of opinion that (as the question may be) say Aye," and, after the affirmative voice is expressed, "as many as are of a contrary opinion, say No." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise, and state the decision to the House.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than is required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

In all other cases of ballot, than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such majority on the first ballot, the ballot shall be repeated until a majority be obtained.

In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.

In all cases where other than members of the House may be eligible to any office, by the election of the House, there shall be a previous nomination.

All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, or subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the whole House) shall have power to order the same to be cleared.

No person shall be admitted within the lobby or lower gallery but members of the Senate, officers of the General Government, foreign ministers, and such as are introduced by the Speaker, or some other member of the House.

Stenographers shall be admitted, and the Speaker shall assign such places to them on the floor as shall not interfere with the convenience of the House.

Secondly.—Of Decorum and Debate.

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to Mr. Speaker.

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair, shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

No member shall speak more than twice on the same question, without leave of the House, nor more than once, until every member choosing to speak shall have spoken.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse; nor, whilst a member is speaking, shall pass between him and the Chair.

No member shall vote on any question, in the event of which he is immediately and particularly interested; or, in any case, where he was not present when the question was put.

Upon a division and count of the House on any question, no member without the bar shall be counted.

Every member who shall be in the House when a question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

Every motion shall be reduced to writing, if the Speaker or any member desire it.

After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

When a question is under debate, no motion shall be received, unless for the previous question, to postpone it indefinitely, to postpone it to a day certain, to lie on the table, to commit it, to amend it, or to adjourn.

A motion to adjourn shall be always in order, and shall be decided without debate.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by five members; and, until it is decided, shall preclude all amendment and further debate of the main question.

On a previous question there shall be no debate.

When a question is postponed indefinitely, the same shall not be acted upon again during the session.

Any member may call for the division of a question, where the sense will admit of it.

A motion for commitment, until it is decided, shall preclude all amendment of the main question.

Motions and reports may be committed at the pleasure of the House.

No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or proposition under debate.

When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof.

When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member, who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

Any fifteen members (including the Speaker, if there be one,) shall be authorized to compel the attendance of absent members.

Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

No member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of the House, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers, to be appointed for that purpose.

When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with, or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expenses of such special messenger.

A Sergeant-at-Arms shall be appointed to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sitting; to execute the commands of the House, from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses of himself, or a special messenger, going and returning, one tenth of a dollar per mile.

Seven standing committees shall be appointed at the commencement of each session, viz:

A Committee of Elections, a Committee of Claims, a Committee of Commerce and Manufactures, a Committee of Ways and Means, a Committee on the Public Lands—to consist of seven members each.

A Committee of Revisal and Unfinished Business, and a Committee of Accounts.—to consist of three members each.

It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions, and other matters touching elections and returns, as shall, or may be, presented, or come in question, and be referred to them by the House.

It shall be the duty of the said Committee of Claims to take into consideration all such petitions and matters or things touching claims and demands on the United States, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

It shall be the duty of the said Committee of Commerce and Manufactures to take into consideration all such petitions and matters or things touching the commerce and manufactures of the United States, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report, from time to time, their opinion thereon.

It shall be the duty of the said Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt; of the revenue and of the expenditures; and to report, from time to time, their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such law; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.

It shall be the duty of the said Committee on the Public Lands to take into consideration all such petitions, and matters or things, respecting the lands of the United States, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

It shall be the duty of the said Committee of Revisal and Unfinished Business to examine and report what laws have expired, or are near expiring, and require to be revived, or further continued; also, to examine and report, from the Journal of the last session, all such matters as were then depending and undetermined.

It shall be the duty of the said Committee of Accounts to superintend and control the expenditure of the contingent fund of the House of Representatives, and to audit and settle all accounts which may be charged thereon; and, also, to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House.

No committee shall sit during the sitting of the House, without special leave.

The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office to

the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the Executive, and to each branch of the Legislature of every State.

Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members and the Clerk, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

All questions relating to the priority of business to be acted on, shall be decided without debate.

Thirdly—Of Bills.

Every bill shall be introduced by motion for leave, or by an order of the House, on the report of a committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill; and every such motion may be committed.

Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

The first reading of a bill shall be for information, and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the whole House; if to a Committee of the whole House, the House shall determine on what day. But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

All bills ordered to be engrossed shall be executed in a fair round hand.

When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

Fourthly—Of Committees of the Whole House.

It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the whole House on the state of the Union.

In forming a Committee of the whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.

Upon bills committed to a Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated, and amended by clauses, before a question to engross it be taken.

All amendments made to a report, committed to a Committee of the whole House, shall be noted and reported as in the case of bills.

All questions, whether in committee or in the House, shall be propounded in the order in which they were moved; except that, in filling up blanks, the largest sum, and longest time, shall be first put.

No motion or proposition for a tax, or charge upon the people, shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the whole House.

No sum, or quantum of tax, or duty, voted by a Committee of the whole House, shall be increased in the House, until the motion or proposition for such increase shall be first discussed and voted in a Committee of the whole House; and so in respect to the time of its continuance.

All proceedings, touching appropriations of money, shall be first discussed in a Committee of the whole House.

The rules of proceeding in the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking; but no member shall speak twice to any question until every member, choosing to speak, shall have spoken.

No standing rule or order of the House, shall be rescinded without one day's notice being given of the motion therefor.

Joint Rules and Orders of the two Houses.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their chairmain, meet in the Conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are enrolled, they shall be examined by a joint committee of one from the Senate, and two from the House of Representatives, appointed as a

standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

After a bill shall have been thus signed in each House, it shall be presented by the said committee to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the Journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the Journal of each House.

All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee as provided in case of bills.

When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

WEDNESDAY, December 18.

An engrossed bill for the relief of Theodorick Armistead was read the third time, and passed.

Mr. FINDLEY, from the Committee of Elections, to whom was referred, on the ninth instant, the petition of Thomas Spalding, of the State of Georgia, complaining of an undue election and return of Cowles Mead, one of the members returned to serve in this House for the said State of Georgia, made a report thereupon; which was read, and ordered to be committed to a Committee of the whole House on Monday next.

On motion, it was

Ordered, That the report of a select committee, made the 17th of February, 1804, on a letter of William H. Harrison, President of a Convention held at Vincennes, in the Indiana Territory, declaring the consent of the people of the said Territory to a suspension of the sixth article of compact between the United States and the said people; also, on a memorial and petition of the inhabitants of the said Territory; be referred to Mr. GARNETT, Mr. MORROW of Ohio, Mr. PARKE, Mr. HAMILTON, Mr. SMITH of South Carolina, Mr. WALTON, and Mr. VAN CORTLANDT.

A petition of the Legislative Council and House of Representatives of the Indiana Territory was presented to the House and read, praying that the introduction of slaves into the said Territory may be permitted by Congress; that the right of suffrage therein may be enlarged; that the salt licks and springs in the said Territory may be ceded to them on certain conditions; that a certain description of claimants to land, in the said Territory, may be permitted to make entry thereof in the mode therein stated; that no division of the said Territory may take place; and that the citizens thereof may be permitted to form a State government as soon as their population will permit the measure.

Also, a petition of sundry purchasers of land settled, and intending to settle, on that part of the Indiana Territory west of Ohio, and east of the boundary line running from the mouth of Kentucky river, praying that the said tract of country may be added to and made part of the State of Ohio.

Ordered, That the said petitions be severally referred to the committee last appointed; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. VARNUM, from the committee appointed on the sixth instant, presented a bill establishing rules and articles for the government of the armies of the United States; which was read twice and committed to a Committee of the Whole on Friday next.

Mr. TENNEY, from the Committee of Revisal and Unfinished Business, made a further report; which was read, and ordered to lie on the table.

Mr. TENNEY, from the same committee, presented a bill to revive and continue in force an act, entitled "An act to suspend, in part, an act, entitled 'An act regulating foreign coins, and for other purposes; which was read twice, and committed to a Committee of the Whole tomorrow.

A petition of certain actual settlers on lands lately sold by Congress, as pre-emption lands, lying between the Miamies, in the State of Ohio, was presented to the House and read, praying a remission of interest, and an extension of the terms of payment for their lands.—Referred to the Committee on Public Lands.

On motion of Mr. SOUTHARD,

Resolved, That a committee be appointed to inquire whether any and if any, what alterations are necessary in the act respecting the compensation to grand and other jurors summoned to serve in the Courts of the United States.

Mr. SOUTHARD prefaced this motion by stating that he had been informed that jurors in the different Courts of the United States received various compensations.

On motion of Mr. THOMAS the House resolved itself into a Committee of the Whole on the bill "supplementary to the act entitled an act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia."

This bill directs the following locations of land and patents to be granted:

"To Charlotte Hazen, widow of Moses Hazen, sixteen hundred acres; Elijah Ayre, senior, one thousand acres; Elijah Ayre, jun., three hundred and twenty acres; and Anthony Burk, two hundred and fifty acres."

Mr. THOMAS explained the grounds on which this bill is predicated, in virtue of inexecuted resolutions of the old Congress; when the Committee rose and reported it without amendment; in

which report the House immediately concurred, and ordered the bill to a third reading to-morrow.

Mr. MORROW presented a petition, of a very interesting nature, from Francis Messonier, a native of France; stating that from numerous experiments made by him, in the vicinity of Cincinnati, in the State of Ohio, he believes he will be able to cultivate the vine with complete success; that the experiments made have issued in results equal to his most sanguine expectations; that he believes he will be able to supply wines of a quality equal to those of France competent to the demand of the State at one fourth of the price of imported wines; that the fever and ague, so prevalent on the western waters, is, in his opinion, greatly owing to the inability of the people, from the exorbitant price of wine, to consume it in connexion with the bark; that he is convinced that the bottoms of Ohio are as favorable to the cultivation of the grape as the hills of France; and soliciting either the grant, or the sale on an extended credit of section 29, in township No. 3, range 9, on Mad river, a situation which he considers singularly favorable to a vineyard.

Referred to the Committee of Commerce and Manufactures.

REVOLUTIONARY PENSIONERS.

On motion of Mr. JOHN C. SMITH the House resolved itself into a Committee of the Whole, on the bill "in addition to an act to make provision for persons that have been disabled by known wounds, received in the actual service of the United States, during the Revolutionary war.

The Committee having passed through the bill, reported it without amendment.

Ths House immediately took up the report; and on the question to engross the bill for a third reading,

Mr. ALSTON asked for information with regard to a new principle which appeared to him to be contained in the first section. He observed that it was unknown to him whether the United States had ever placed volunteers or militia on their pension list If this had not heretofore been done, and it should be done at this late period, he did not know where the business would end. It would be nowise difficult for any person to bring forward some kind of evidence of a disability received in the Revolutionary war, by showing that he had performed some service or other. With regard to those at present on the pension list of the States it would be extremely difficult for them to produce the evidence required by this law; and the States might after the passage of this bill sweep from their list pensioners of the description contemplated in the bill. Unless a proper explanation of these circumstances were made, Mr. A. said he could not vote for the bill.

Mr. GREGG moved to strike out the words relative to the making provision for persons disabled in the militia, or acting under the authority of a particular State. He said that he thought it a forced construction of the act of 1803 to extend its provision to those persons employed in the militia service or who acted under particular States. He read the provisions of that act, and observed that they did not contain a word respecting the militia, or those who acted under the order of States. He could not see the propriety of placing on the pension list those who acted under the authority of the States. There might be some bodies who had been ordered out by particular States, who so far from being recognised by the General Government, had been called out in contravention of their orders. It would, Mr. G. thought, be very extraordinary to place such men on the pension list of the United States. He believed that all proper objects who had been drawn out under State orders, were on State pension lists. If these men were set afloat by this act, they might at this late day, owing to the difficulty of collecting proper evidence, be left without remedy.

Mr. JOHN C. SMITH said that the bill under consideration was precisely similar to one which had, at the last session, been agreed to in the House, and had been ordered to be engrossed for a third reading; but which had not been conclusively acted upon. He observed that he had never been very tenacious of the principle on which gentlemen had animadverted; though he believed that the wounds received by the description of persons referred to had been as serious to them, and as important to their country, as those received by soldiers in the actual service of the United States. It had been remarked that some of the States had made provision for this description of persons. Whether this was, or was not the case, he did not know. But if gentlemen would advert to the act of 1796, they would find a provision made for commissioned and non-commissioned officers and privates of the militia who had been in the service of the United States since the Revolutionary war. The principle in this bill was the same with that in the bill passed in 1796. In that instance the militia had been called out for the general service under the authority of particular States. Congress then thought proper to provide for such a case. Mr. S. did not know anything which made it less proper to provide for similar cases which had occurred during the Revolutionary war. It was true that the provision would be applicable to but a few individuals, but this could not affect their claims to the justice of their country. How far this provision might operate unequally, especially on States who had already made provision for their militia, he did not know. He was not acquainted with the facts alluded to. He was perfectly willing that the bill should lie, until correct information should be obtained.

Mr. MARION hoped the words would not be struck out. He perceived no real difference between the claims of the militia and of those in regular service. It was true that some States had made provision for their militia. But every State in the Union ought to bear the burden of the war equally; it ought not to fall exclusively on those States which had been invaded, and whose militia had consequently been the most exposed. Although such States had made a provision, it was more consonant to equity and justice that the

Union should bear the burden. Gentlemen should recollect that the section only provided for those who had been engaged in the general service.

The question was then taken on Mr. GREGG's motion, and lost—ayes 16.

It was then ordered, without a division, that the bill be engrossed for a third reading to-morrow.

THURSDAY, December 19.

An engrossed bill supplementary to the act, entitled "An act regulating the grants of land appropriated for the refugees from the British Provinces of Canada and Nova Scotia," was read the third time, and passed.

An engrossed bill in addition to "An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war," was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill suppementary to the "Act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the 30th of April, 1803, between the United States and the French Republic;" and, after some time spent therein, the bill was reported without amendment and ordered to be engrossed, and read the third time to-morrow.

The SPEAKER laid before the House a letter from William Henry Harrison, Governor of the Indiana Territory, enclosing a resolution of the House of Representatives of the said Territory, stating their objections to a division thereof into two Territories; which were read, and ordered to be referred to Mr. GARNETT, Mr. MORROW of Ohio, Mr. PARKE, Mr. HAMILTON, Mr. SMITH of South Carolina, Mr. WALTON, and Mr. VAN CORTLANDT.

The House resolved itself into a Committee of the Whole on the report of the Committee of Commerce and Manufactures, to whom was referred the petition of Edward Toppan, George Jenkins, and William Currier, of Newburyport, in the State of Massachusetts. The Committee rose and reported a resolution thereupon, which was twice read, and agreed to by the House as follows:

Resolved, That the petition of Edward Toppan and others is reasonable, and ought to be granted.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Commerce and Manufactures do prepare and bring in the same.

On motion of Mr. G. W. CAMPBELL,

Resolved, That a committee be appointed to inquire whether any, and, if any, what alterations are necessary to be made to the act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers; and that the committee have leave to report thereon by bill, or otherwise.

Ordered, That Mr. GEORGE W. CAMPBELL, Mr. COOK, Mr. GOLDSBOROUGH, Mr. WICKES, and Mr. JACKSON, be appointed a committee, pursuant to the said resolution.

On motion of Mr. COOK,

Resolved, That the Committee of Commerce and Manufactures be instructed to consider the several acts relative to the bounties on salted fish, taken in vessels of different sizes, and to consider and report what alterations, if any, be necessary to equalise such bounties; and that the said committee report by bill, or otherwise.

On motion of Mr. STANTON,

Resolved, That the Committee of Ways and Means be directed to inquire whether any, and, if any, what, alterations are necessary to be made in the several acts fixing the salaries and emoluments of the collectors of duties on imports and tonnage; and that the committee be authorized to report by bill, or otherwise.

FOREIGN COINS.

The House went into Committee of the Whole on the bill to revive and continue in force an act, entitled "An act to suspend, in part, the act, entitled 'An act regulating foreign coins, and for other purposes." The bill was read as follows:

Be it enacted, &c., That the act, entitled "An act to suspend, in part, the act, entitled 'An act regulating foreign coins, and for other purposes," approved on the thirtieth day of April, one thousand eight hundred and two, shall be and the same is hereby revived and continued in force for the term of —— years from the passing hereof.

Mr. TENNEY moved the following substitute, after the enacting words:

"That so much of the act, entitled "An act regulating foreign coins," and for other purposes, as is contained in the second section thereof, be and the same is hereby further suspended, during the term of ——years from the end of the present session of Congress."

Mr. VARNUM wished that the section referred to, which prohibits any foreign coin, excepting Spanish milled dollars, or parts thereof, from being a legal tender, might, instead of being suspended, be repealed. That provision, he said, had been introduced under the idea that the coin of the United States would be sufficient for the demand, which had been found to be erroneous.

Mr. J. CLAY differed so widely from the gentleman from Massachusetts that he entertained strong doubts of the policy even of suspending the provision. There were very few foreign coins in circulation besides Spanish milled dollars and British guineas. If the suspension were, therefore, confined to these, it would be, so far as respected the public convenience, equivalent to a repeal. Every one knew that there had been, for some years past, a large quantity of bad money in circulation. By the proposed repeal, this description of money would be again brought back.

Mr. MACON (Speaker) said, that, if the idea of the gentleman from Pennsylvania were adopted, it would be necessary to go further than he had suggested. In addition to the coins mentioned by him, it would be proper to extend it to Portuguese guineas, which were extensively circulated. But he considered the proposition of the gentleman

from Massachusetts the best. When we can do without foreign coins, we may declare that they shall not be a legal tender. Since last May, when the provision contemplated to be renewed, ceased, there had been no complaints. The necessities of the country required the use of French coins. With regard to our own coin, in many parts of the Union it was as difficult to find a gold, as a flying eagle. Into his part of the country, Mr. M. said, it never found its way.

Mr. VARNUM moved to amend the amendment of Mr. TENNEY, by striking out the words: "further suspended during the term of —— years from the end of the present session of Congress," and inserting in lieu thereof the word "repealed."

Mr. J. CLAY hoped the amendment would not take place. If there were any real inconvenience, it would be entirely obviated by the proposed suspension. He acknowledged that when he was up before, the Portuguese gold had escaped his attention—but it was so clipped and mutilated as scarcely to be considered as coin, and the fact was, that it was chiefly confined to the banks. If the repealing provision should be confined to the gold coins, he should have no great objection to it; but there was no necessity of introducing into the circula on any other silver coin than that now authorized. Some of the foreign coins were so roughly executed as not to furnish a proper protection against counterfeits. The great security attending coins, as well as bank notes, was the excellence of the workmanship.

Mr. JACKSON was in favor of the amendment offered by the gentleman from Massachusetts, (Mr. VARNUM.) All economical writers agreed that the wealth of nations was intimately connected with the quantity of the circulating precious metals. For this reason, he thought it impolitic to restrict the circulation of foreign coins in the United States. It was, likewise, improper to legislate frequently on the subject. It had been found that the mint could not furnish a sufficient supply of coin for our purposes, especially while such vast quantities went out of the country. All objections made to a repeal were obviated by the consideration that the existing law provides, that foreign coins shall pass by weight. Mr. J. concluded by saying, that it was his opinion, that it was for the interest of the country that money should circulate more extensively than it ever had done.

Mr. VARNUM said, that the gentleman from Pennsylvania grounded his objection on the idea that foreign coins were more easily counterfeited than those of the United States. He should, however, recollect that those who resided in the country did not possess that kind of knowledge which belonged to those acquainted with bank transactions. They saw but little money, and always in small quantities, and were as likely to take false coin of the United States as foreign coin. The real situation of the United States, as to money, was this: In some parts of the country there was no specie whatever; there was nothing but paper. In the Eastern parts of the Union this was peculiarly so, owing to the great number of banks which circulated the greater part of their notes at a considerable distance. This scarcity of specie arose, in a great measure, from foreign coins not being allowed to be a legal tender. He thought it would be highly beneficial to the United States to admit all foreign coins to be a legal tender, under the existing limitations of law. The question was then taken on Mr. V.'s amendment, which was agreed to—ayes 79.

Mr. TENNEY's amendment, thus amended, was agreed to, when the Committee rose. The House immediately took up, concurred in their report, and ordered the bill to a third reading to-morrow.

FRIDAY, December 20.

An engrossed bill supplementary to the "Act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the 30th of April 1803, between the United States and the French Republic," was read the third time, and passed.

An engrossed bill to revive and continue in force an act, entitled "An act to suspend, in part, the act, entitled 'An act regulating foreign coins, and for other purposes," was read the third time.

Resolved, That the said bill do pass, and that the title be, "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes, as is contained in the second section thereof."

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill for the relief of Edward Toppan, George Jenkins, and William Currier; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. CROWNINSHIELD, from the same committee, presented a bill to extend the time for taking the oath and giving bond, in cases of drawback, and for other purposes; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. FINDLEY moved to add a new rule to the standing rules and orders of the House, in the words following, to wit:

"That the first named member of any committee, appointed by the Speaker, or the House, shall be the Chairman; and in case of his absence, or being excused by the House, the next named member, and so on, as the case shall happen, unless the committee, by a majority of their number, elect a Chairman. It shall be the duty of any committee to meet, on the call of any two of their members, if the Chairman be absent, or decline to appoint such meeting."

The House proceeded to consider the said motion at the Clerk's table, and the same being twice read, was agreed to by the House.

On a motion made and seconded,

Resolved, That so much of the rules and orders of this House, under the fourth head "of Committees of the whole House," as is contained in the third paragraph thereof, be amended, by striking out, in the fourth line of the paragraph, the

word "title," and inserting, in lieu thereof, the word "preamble."

A petition of George Rogers Clark was presented to the House and read, praying that Congress will confirm to him a grant of lands, made by the chiefs and head men of the Piankeshaw nation of Indians, on the 16th day of July, 1779.

Ordered, That the said petition be referred to the Committee on Public Lands.

MONDAY, December 23.

A Message was received from the President of the United States, transmitting a report from the Governor and presiding Judge of the Territory of Michigan, relative to the state of that Territory; which were read, and ordered to be referred to Messrs. JACKSON, MORROW of Ohio, SMILIE, ELLIS, and MOORE of South Carolina.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill to provide for light-houses in Long Island Sound; and to declare Roxbury, in the State of Massachusetts, to be a port of delivery; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. GREGG, from the Committee on the Public Lands, to whom was referred, on the twentieth instant, the petition of George Rogers Clark, made a report thereon; which was read, and considered: Whereupon,

Resolved, That the prayer of the petition of George Rogers Clark ought not to be granted.

A memorial of the Philadelphia Chamber of Commerce, signed by Thomas Fitzsimons, their President, was presented to the House and read, praying the consent of Congress to an act of the Legislature of the State of Pennsylvania, passed the 15th of March last, entitled "An act to empower the Board of Wardens for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," the better to enable the memorialists to sink additional piers in the river Delaware, for the security and protection of vessels employed in the commerce of the port of Philadelphia. Referred to the Committee of Commerce and Manufactures.

A memorial of the Mayor, Aldermen, and Commonalty, of the city of New York, was presented to the House and read, praying that prompt and efficient measures may be taken by Congress for putting their city and port into an adequate state of defence.—Referred

A memorial was presented from Samuel Blodget, representing that subscriptions for a University in Washington have already been made to the number of eighteen thousand, and a sum received amounting to $30,000, and requesting Congress to designate the site with the lots or lands that may be intended therefor, and to grant such other patronage as they may think proper.—Referred to a committee of five members.

Mr. DAWSON, from the committee appointed on that part of the President's Message which relates to aggressions committed by the vessels of foreign nations, &c., made a report, in part, submitting two letters received from the Secretary of the Navy, and three resolutions, in substance as follows:

1. That a sum not exceeding $150,000 be appropriated to cause our ports and harbors to be protected.

2. That a sum not exceeding $250,000 be appropriated, to cause to be built a number of gunboats, not exceeding fifty, for the protection of our ports and harbors.

3. That a sum not exceeding $660,000 be appropriated to enable the President of the United States to cause to be built six line-of-battle ships.

On motion of Mr. DAWSON, these resolutions were referred to a Committee of the Whole on the state of the Union.

Mr. DAWSON observed that, in the year 1797, Congress passed an act relative to certain balances due by several of the States to the United States, by which those States were enabled to discharge the balances by expending a part thereof in the defence of their ports and harbors. He understood that one State had made an appropriation to this object; but it was not known what was the issue of the appropriation, or what had been done by other States. That the subject might be elucidated, he offered the following resolution:

Resolved, That the President of the United States be requested to inform this House, whether any and what measures have been taken by the States indebted to the United States to discharge the balances due, under the provisions of the act of the 23d of June, 1797, entitled an act for the further defence of the ports and harbors of the United States.

The House immediately took up the resolution and agreed to it; and the SPEAKER appointed a committee of two members to present it to the President.

CONTESTED ELECTION.

The House resolved itself into a Committee of the whole House on the report of the Committee of Elections, respecting the contested election of COWLES MEAD, one of the members returned to serve in this House, from the State of Georgia.

The following is the report of the Committee of Elections in this case:

The Committee of Elections, to whom was referred the petition of Thomas Spalding, claiming a seat in this House, as a Representative of the State of Georgia, in the place of Cowles Mead, who has been returned, and has taken a seat in the House, having had the same under consideration, and heard the petitioner and sitting member thereon, report:

That, by a standing law of the State of Georgia, the election of persons to represent that State in this House, was required to be holden on the first Monday of October, 1804, in the respective counties throughout the State; that three or more county magistrates were required to preside at the election, in each of the counties, to return the names of the candidates, and the number and names of the voters, with an accurate state of the poll, and to transmit their said returns, by express, to the Governor of the State, within twenty days after closing the poll at said election; that the Governor was required, within five days after the expiration of the said twenty days, to count up the votes from the several counties, or such of them as might have made

returns for each person, and immediately thereafter to issue his proclamation, declaring the persons having the highest number of votes, to be elected to represent the said State in the House of Representatives of the United States, and to grant a certificate thereof, under the great seal of the State, to each of them; that, by an official certificate from the Secretary of said State, it appears that the votes from the counties of Tatnal, Liberty, and Camden, were not returned to the Governor within the said term of twenty days after the election, nor within the said further term of five days thereafter; and that, of the votes given at the said election, and returned to the Governor within the said term of twenty days:

Cowles Mead had - - - - - - -	4,438
And Thomas Spalding had - - - -	4,269
Giving the said Mead a majority of -	169

That the Governor, in pursuance of the law aforesaid, counted up the votes so returned to him within twenty days, and thereupon issued his proclamation, declaring that the said Cowles Mead was elected, and granted him a certificate thereof.

By another certificate from the Secretary of said State, it appears that, after the Governor had issued his proclamation as aforesaid, that is, on the 27th day of November, 1804, the returns of the votes given at the said election, agreeably to the law aforesaid, in and by the countries of Tatnal, Liberty, and Camden, were received by the Governor, being transmitted by the presiding magistrates of said counties respectively; that both of the said certificates from the Secretary are in due form of law; that the said returns of votes from the three last mentioned counties, are conformable to law in every respect, except that they were not transmitted to the Governor within the limited time of twenty days after the election; that, of the votes so returned from the said three counties, after the expiration of said twenty days, Cowles Mead had 27, and Thomas Spalding had 235; which, added to their respective numbers of votes, returned to the Governor within the term of twenty days, and counted by him as aforesaid—

Gives to Cowles Mead, in the whole - -	4,465
And to Thomas Spalding, in the whole - -	4,504
Leaving the said Thomas Spalding a majority of - - - - - - -	39

The petitioner offered depositions to prove that the cause of the failure in the transmission of the returns from the three last counties to the Governor, within the twenty days after the election, was a hurricane which rendered the roads impassable; but, as the sitting member was not notified to be present at the taking of those depositions, the committee were of opinion that they were not admissible evidence.

The petitioner then proposed to procure other evidence of the same fact; and the sitting member proposed to procure evidence to the contrary, that the roads were passable; but the committee being of opinion that it was not material to the question before the House, whether the said failure was caused by the act of God, as alleged by the petitioner, or by the fault of the returning officers, or the defect of the law, in not providing a penalty upon officers for neglecting their official duty of transmitting the returns, did not receive any evidence on that point.

The sitting member stated to the committee that he could, as he was assured, by sending to Georgia, obtain proof, that the election in the county of Tatnal was irregularly held, so that the whole return of that county ought, for that cause, to be rejected; but, finding by calculation that, if the votes of that county, of which twenty-four were for himself and forty for the petitioner, were set aside, it would not affect the result of the election, he waived that objection, and rested his claim upon the principle that the votes of all the three last mentioned counties are void by the law of Georgia, not having been returned to the Governor within the time prescribed by said law.

There is no suggestion of any fraud or intentional unfairness in the election; and the committee add, with pleasure, that the conduct of both the gentlemen, claiming the contested seat, appears to have been candid and honorable.

Upon the foregoing state of facts, as the Constitution has made this House the judge of the elections and returns, as well as the qualifications of its members; as the returns from the State authorities, therefore, are only *prima facie* evidence of an election, but not conclusive upon this House; as there is, in the present case, satisfactory proof, that the votes of the three counties in question, although the returns thereof were not transmitted to the Governor in season to be considered by him, were originally good, lawful, and Constitutional votes, having been given by qualified voters on the day, at the places, and in the manner prescribed by law; and as neither the voters who gave them, nor the candidates in whose favor they were given, have done or omitted anything on their part to forfeit their respective rights, the committee are of opinion that those votes ought to be allowed, and therefore recommend the following resolution:

Resolved, That Cowles Mead, returned to this House as a member thereof, from the State of Georgia, is not entitled to a seat; and that Thomas Spalding is entitled to a seat in this House, as a Representative of the State of Georgia.

On motion of Mr. Findley,

Resolved, That, in the case of the contested election in the State of Georgia, the memorialist and sitting member shall, if they desire it, be heard by counsel at the bar of the House.

Mr. Mead waived the exercise of this right, and Mr. J. Clay intimated a desire of Mr. Spalding to the same effect; when the Committee of the Whole took up the report of the Committee of Elections in this case; on which a debate ensued, which occupied nearly the residue of the sitting.

Mr. Findley explained, concisely, some of the circumstances on which the report was grounded.

He was followed by Mr. Mead, who, without going into a wide detail of facts, or discussion of principle, noticed briefly a variety of facts, and several principles and precedents, which, he thought, invalidated the conclusion of the report.

Mr. J. Clay made a short speech in favor of the report.

Mr. Early went at considerable length into the principle implicated in the report, with the view of showing that it was unsound, and that it did not belong to the House, without violating the Constitutional powers of the States, to set aside returns made in conformity to their laws.

Mr. BIDWELL, in an argumentative and logical speech, defended the principle contained in the report, and contended that the Constitutional power of investigating the returns, made by State officers, resided in the House, who might, according to evidence adduced, affirm or set them aside.

Mr. SLOAN and Mr. ELLIS spoke against, and Mr. J. CLAY, in favor of the report.

After a few replicatory remarks from Mr. BIDWELL and Mr. MEAD, Mr. KELLY said he still entertained some doubts on the subject, represented that other engagements had precluded his paying that attention to the subject which it merited, and moved that the Committee should rise, report progress, and ask leave to sit again.

This motion being carried—ayes 61; and the House being resumed,

Mr. MERIWETHER expressed a hope that leave for the Committee to sit again would be refused, in order that the report might be recommitted to the Committee of Elections, and the sitting member be enabled to make explanations on points respecting which there appeared to have been some misconception before the Committee.

Mr. J. CLAY and Mr. ELMER were against, and Mr. GREGG in favor of a reference to the Committee of Elections.

The question being put, leave was given to the Committee of the Whole to sit again—ayes 70.

Mr. BIDWELL, from the committee to whom had been referred the resolution respecting William Eaton, Esquire, offered a report, recommending the adoption of the said resolution, with the amendment, together with another amendment, striking out the word "before," and inserting in lieu thereof, the words "at the city of Derne."

Report referred to a Committee of the Whole on Wednesday.

TUESDAY, December 24.

Another member to wit: ROGER NELSON, from Maryland, appeared, produced his credentials, was qualified, and took his seat in the House.

A petition of sundry settlers and purchasers of the lands of the United States Northwest of the Ohio river, was presented to the House and read, praying that further time may be allowed them to make payment of the first instalment, due on the first of January next, for the lands by them respectively purchased.

Ordered, That the said petition be referred to the Committee of Ways and Means.

A petition of Amelie Eugenie de Beaumarchais, heir and representative of Caron de Beaumarchais, deceased, by J. A. Chevallie, her attorney, was presented to the House and read, praying to be relieved against a settlement made by the Comptroller of the Treasury, in which large and unjust deductions have been made from a debt due by the United States to the estate of the said decedent, Caron de Beaumarchais.—Referred to the Committee of Claims.

DRAWBACK ON DEBENTURES.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred on the sixteenth instant, the petition of Isaac Clason, made the following report:

The petitioner, in the month of August last, imported from Havana into the port of New York, one thousand four hundred and twenty boxes of sugar; the duties upon the importation amounted to $15,619 24. On the 31st of the same month, the petitioner having determined to export the said sugar to Amsterdam, in the ship Ambition, gave due notice of such intention, and made a regular entry of the said sugar for exportation; a permit to load the said sugar was issued at the custom-house on the 2d of September, and the sugar was actually laded on board the said ship, under the inspection of the proper officer, and the return thereof made to the collector, the ship receiving her clearance to proceed to sea on the ninth day of September, and actually sailed on the twenty-second day of the same month. At the moment of the clearance being granted to the ship, the yellow fever made its appearance in New York, and a great number of the citizens left the city in the course of a week from that time; and the petitioner, justly alarmed at the danger to which he was exposed, and partaking of the general consternation, fled among the rest. A general interruption and suspension of business in the city took place for several weeks, and the custom-house itself was removed to a place of safety. On the 30th of September, the petitioner applied to the custom-house to receive the debentures for the drawback of the duties on the exportation of the said sugar, and offered to give bond, and take the oath required by law in the cases of goods exported for the benefit of drawback; but the collector refused to receive the oath or bond, or to grant the debentures, alleging that the ten days limited by law had expired, after the clearance of the ship, and that, in consequence thereof, the drawback reverted to the United States.

Repeated and pressing applications, of a similar nature, have been made to Congress, and the number may be expected to increase. In all of them which have, at various times been before the Committee, no intention of fraud has appeared. Some persons have unintentionally overstayed the time, one, two, or three days. Others have been prevented, by dangerous sickness, from attending at the custom-house. In the case now under consideration, the yellow fever afflicted the city of New York. The inhabitants fled before its dreadful ravages. The petitioner partook of the general consternation, and left the city the next day after the clearance of the ship. It did not occur to him that he would, thereby, lose the benefit of drawback on the sugar in question; and, if it had occurred to him, it is not probable that he could then have obtained the debentures by application at the custom-house. It was a time of general alarm and agitation, and every citizen was only eager to save himself and family. The security of property was but a secondary consideration.

The Committee are of opinion the provisions of the law, as it stands at present, are too severe. If the article on which the benefit of drawback is claimed, is really exported out of the limits of the United States, it is all that ought to be required. The merchants are solicitous to obtain the debenture certificates; they become transferable property, being negotiable paper, like promissory notes, and are receivable at the custom-house in lieu of the inward duties. No man would willingly overstay the time limited by law, in which he could apply for his debentures; it is for his interest to apply early, yet it may sometimes happen that he will omit, and overstay the time; but, surely, the United

States do not wish to enrich their treasury in this manner. Our revenue is derived from the foreign articles consumed in the country, and not from exports. Under all the circumstances in which this subject can be placed, the Committee are of opinion that a general, and not a particular bill should be passed, calculated to relieve all the applicants, where no intention of fraud shall appear, and to provide for the extension of the time in taking the oath, and giving bond, in cases of goods intended to be exported for benefit of drawback. The committee, therefore, submit the following resolution:

Resolved, That the petition of Isaac Clason is reasonable and ought to be granted.

The report was read, and ordered to be committed to the Committee of the Whole House, to whom was committed on the twentieth instant, the bill to extend the time for taking the oath, and giving bond in cases of drawback, and for other purposes.

GEORGIA CONTESTED ELECTION.

The House then again resolved itself into a Committee of the Whole, on the report of the Committee of Elections, on the contested election of COWLES MEAD; when a debate followed of between two and three hours length.

In the course of the discussion, the facts as stated in the report were either considered as perfectly correct, or as partaking so little of error as not to invalidate the conclusions drawn from them. Some small diversity of opinion existed between the Committee of Elections and the sitting member, which was, however, reconciled on explanation.

The debate began in Committee of the Whole, and was afterwards prosecuted in the House. Messrs. J. CLAY, FINDLEY, BIDWELL, G. W. CAMPBELL, and ELMER advocated; and Messrs. MEAD, EARLY, SLOAN, ELLIS, N. WILLIAMS, BROOM, and QUINCY, opposed the report.

The opponents of the report represented it as embracing a great Constitutional principle, relative to State sovereignty and the powers of the House. This question arose out of the judicial powers vested by the Constitution in each branch of the Legislature, as to judging of the election of its members. In the first article, fifth section of the Constitution, it is declared, that "each House shall be the judge of the elections, returns, and qualifications of its own members." This section embraces three distinct objects, on which the judicial powers of each House might be exercised; the qualification of persons returned as members, their election as members, and the returns of the person selected. With regard to the point of qualification, that could have no bearing on the present question. As to the election of persons returned to serve as members, the Constitution has given to the several States the power to regulate the time, place, and manner, subject to the interposition of the laws of Congress. As to the returns of members, there is no limitation to the power of Congress to judge of them. What power, then, is given by this section? A judicial power alone. It is worthy of remark that an election and a return are entirely distinct acts; where one ceases the other begins, and *vice versa*. Where, then, is to be found the power in Congress of prescribing the time, place, and manner of making returns? That such a power existed somewhere could not be denied, as without it an election would be nugatory. Will it be contended that this power is vested in the General Government, when it is not recognised by a single word of the Constitution? It is clear, then, that as the Constitution is perfectly silent as to bestowing such a power in the General Government, it does not belong to that Government; neither was it necessary to carry into effect any power specifically given to the General Government. If, then, the power does not belong to Congress, and it must reside somewhere, it follows from the theory of our Government that it must belong to the States, and that the only power in this House on the subject is to judge of the returns; not to decide the time, place, and manner in which they shall be made, much less to dispense with the regulations which the States may make relative to them. But it may perhaps be asked, how the judicial power of this House can be exercised without uniting with it the power contended for on this occasion? To this inquiry the answer is easy. The right to judge, and the rule of decision are distinct things, and while the right to judge may be in one body, the prescription of the rule may be in another. The rule in such cases as these must be a State regulation, when it relates to points on which the States have exclusive legislation. If this case relates to a business in which Georgia has the exclusive right to legislate, there can be no other rule than her legislation. In order to illustrate this case, suppose good votes should be offered after the expiration of the time within which the election was directed to be held by State laws, will it be contended that this House would have a right to direct them to be received? Or that the Constitutional rights of the House would be impaired by being obliged to respect the regulations of a State as to the time, place, and manner of holding elections? Just so as to returns. The Constitutional right of the House to judge of them is not impaired because a rule of judging is prescribed by another authority. Nothing is more common than this; it is, indeed, a leading feature in all the political institutions of the United States. The power to judge being vested in one body, and the prescription of the rule in another. All of our political writers have considered this as one of the most important features in our institutions. If we can dispense in this instance with the time fixed for receiving returns, we may dispense with State regulations in other cases. If we can dispense with one rule, we can dispense with all; and while the States are constitutionally fixing rules, we may be dispensing with them—a conclusion at which common sense revolts.

With regard to the prevalence of the will expressed by a majority of the good votes given, it was observed, that that could be only ascertained by some legal provision, and that the only way of guarding it from abuse was to preserve the laws

of the State inviolate; and that although in some few instances a rigid adherence to them might be productive of some hardship, yet in its general effects it would be productive of much greater good; and, it was added, that that species of reasoning was as novel as unsound, which went to protect the rights of the citizens of a State by prostrating the laws made to secure them.

To show that the law of Georgia, limiting the time within which votes should be received, was obligatory upon the House, an elaborate argument was gone into to prove, by a minute dissection of the Constitution, that inasmuch as all powers not expressly given to the General Government were reserved to the people of the States, and inasmuch as the only power specifically given related to the time, place, and manner of holding elections, and not to the time, place, and manner of making returns, no such power resided in Congress.

From all this reasoning it was contended, that though the House had a right to judge of the returns of its members, that right must be exercised in obedience to the rules fixed by the State of Georgia, which constitutionally possessed the power of prescribing them, and that they must be considered as conclusive, unless revoked or modified by Congress.

The friends of the report remarked that the power of the House on this subject was vested by that part of the Constitution which declares that "each House shall be the judge of the elections, returns, and qualifications of its own members;" and that this power was distinct from that which gave ultimately to the Legislature, in case they saw fit to exercise it, the power of determining the time, place, and manner of holding elections. The words "judging of returns," were comprehensive, unrestricted, and inclusive of every step incidental to making returns. The power could not be confined to the mere judging of the authenticity of the certificate of the returning officer, as that would be nugatory. It must likewise include the manner in which the votes were counted in districts; the manner in which they were transmitted; the place appointed for receiving them, and the ascertaining of their aggregate number. It had been truly said, that where the business of election ceases, that of the returns begin; which, therefore, must be considered as embracing everything after the votes were given. As soon as an election terminates, the candidate is elected, the only thing remaining is to ascertain the result, and this is done by the returns made. What, then, is the right of this House to judge? According to gentlemen, they have not a right to judge of the certificate of the officers of Georgia; they have not a right to judge how the votes are transmitted; but of all this the Governor is to judge, under a law of Georgia. But such a law would be a mere nullity, as it would be in direct opposition to the words of the Constitution, which gives to this House the entire right of judging of the returns of its members. The fact was that the law of Georgia could only be considered as constituting the Governor the organ of information to this House, which is the only tribunal to which the returns can ultimately be made. So considering the subject, there was no reason for the remark, that the principle contained in the report went to set aside the law of Georgia. Should the power of the House in this case be denied, it would prevent us from investigating any case, however characterized by fraud, and would prostrate at the feet of an Executive officer, the power so guardedly bestowed on each House. It is inquired whether we will set aside the law of Georgia by the decision we are about to make; but it does not follow that the adoption of the report will have this effect. The law of Georgia says that the Governor shall count the votes received at a certain day; but it does not say that the House shall not count those received afterwards. We, in fact, then, carry into effect the law of Georgia as far as it goes, and only in case of a failure, supply the deficiency. Could there be a doubt of the principle assumed in the report, it would be removed by a denial of it giving the power to any petty officer of the State, by suppressing the votes, to deprive the member, legally elected, of his seat. Would this be a just principle? Is it not our principle that a majority shall govern? And is it not strange to say that a State shall have the right of violating such a principle?

With regard to a return, it might imply two things; the original certificate of the presiding officer in each election district, and the general certificate of the whole election, the several parts of which were held in different places. It was necessary that these several certificates should be examined by some general authority. As a matter, therefore, of necessity, some authority must reside in the States to count up the whole number of votes, and to certify the persons elected. This power was vested in different ways in the several States. Whoever exercised it could be only considered as the certifying officer, whose certificate was not a decision, but simply a return, subject to the control of this House, which is made by the Constitution the judge of it. The Constitution says the House are to judge of the returns. Can these returns, therefore, be conclusive and binding upon the House? If so, the power of judging is altogether nugatory. If we cannot go out of the returns, and judge of anything not in them, we cannot be said to possess any power over them. But the words of the Constitution are precise; giving the unrestricted power to judge. The House then may receive other evidence to satisfy them than that found on the face of the returns, and on such evidence may either allow that which is not in them, or disallow that which is. A case has been put of votes received in contravention of a State law, after the time fixed for receiving them, and it has been said that these votes ought not to be received. Why? Because the time of holding elections being expressly vested in the State Legislature, in the first instance, and Congress not having changed the prescribed time, the State regulation must prevail. But let the case be pursued fur-

ther. Suppose such votes are not only received, but included in returns made to the Governor, he is not to judge of the legality of the votes given, the State law only directs him to count up the votes returned; whether they ought or ought not to be received he cannot judge. Of this the House is the judge. He cannot receive evidence out of the returns; he therefore counts up the votes, proclaims the person having the highest number, and the returns are forwarded to this body. They are in due form; but votes appear to be admitted which, by the law of Georgia, ought not to have been admitted. Is the House concluded by this return? Are they not, on the contrary, empowered to go out of it, and receive evidence of the fact that such improper votes were admitted? No one will deny it. Further: suppose the presiding officer to have refused votes offered in time; suppose he had refused all the votes given for a candidate in several counties, the Governor could not pay any attention to these votes, for his certificate must be founded exclusiuely on the votes returned to him. He would be obliged, therefore, to certify as duly elected, the person having the highest number of such votes, although it might be proved that the suppressed votes, if counted, would have given the highest number to another candidate. Could not the House, in this case, go out of the returns of the Governor, and allow the votes fairly given to be counted? Is the election to be affected by such omission or neglect? Clearly not. In the present case, the votes in question, according to the law of Georgia, were lawfully given, and ought to have been returned. Had that law been observed they would have been returned. In one respect only was there a neglect of it. Can that, then, be said to be a violation of the law of Georgia, which consists in giving effect to its provisions where they have failed to be observed? The great principle in judging of elections, ought to be, that the will of the people, fairly expressed, shall govern. And that construction of the Constitution and laws of the United States ought to prevail, which consists in giving effect to good votes, rather than destroying them. This is the principle of the report. The adoption of a hostile principle would be to sacrifice the substance of election to its mere shadow.

The suggestion that the principle of the report is calculated to alarm the jealousy of the States is ideal. The judging of the election of members is a joint authority, residing in the States in the first instance, and ultimately in this House. If the controlling power does not reside here, it resides no where—there is a blank in the Government. It cannot reside in Georgia, for the power is not concurrent, and if not here, the States must inevitably submit to every irregularity that may be practised by subordinate agents. It has been said that the law of Georgia is in force, but it can have no force at the expense of the Constitutional power of the House. But was that law complied with? If so, the present contest would not exist.

It was true that the great principle was a sound one which separates Executive, Legislative, and Judicial power. This might be an argument for the institution of a special tribunal for the trial of contested elections, but it is an abundant answer to show that this has not been done; but that, on the contrary, the Constitution of the General Government, as well as the constitutions of the several States, have made the legislative bodies judges of the elections of their members.

In the course of the discussion, various precedents were quoted from the Journals of the House, some of which were considered as applicable to one side, and some as applicable to the other side of the question at issue; but, on a full examination of them, they shed so faint a light on the subject that we have considered it unnecessary to notice them.

The yeas and nays were then taken on the first member of the resolution submitted by the Committee of Elections, viz: "That Cowles Mead, returned to this House as a member thereof for the State of Georgia, is not entitled to a seat."—Yeas 68, nays 53—as follows:

Yeas—Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Basset, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, Joseph Bryan, William Butler, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, John Clopton, Frederick Conrad, Jacob Crowninshield, Samuel W. Dana, John Dawson, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, John G. Jackson, Walter Jones, Nehemiah Knight, Joseph Lewis, jun., Josiah Masters, Nicholas R. Moore, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, John Smilie, O'Brien Smith, Samuel Smith, Joseph Stanton, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, John B. Varnum, Matthew Walton, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Joseph Winston.

Nays—Willis Alston, jun., James M. Broom, John Boyle, Levi Casey, Matthew Clay, George Clinton, jun., Orchard Cook, Richard Cutts, Ezra Darby, John Davenport, jun., Elias Earle, Peter Early, Caleb Ellis, William Ely, Peterson Goodwyn, Isaiah L. Green, William Helms, David Hough, James Kelly, Thomas Kenan, Michael Leib, Henry W. Livingston, Patrick Magruder, Robert Marion, David Meriwether, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Rhea of Tennessee, John Russel, Peter Sailly, James Sloan, John Cotton Smith, Henry Southard, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin, Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Philip Van Cortlandt, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Eliphalet Wickes, David R. Williams, Nathan Williams, and Thomas Wynns.

The question was then put that the House do agree with the Committee of the whole House to the second and last member of the said resolution, in the words following, to wit:

"And that Thomas Spalding is entitled to a seat in this House, as a Representative of the State of Georgia:"

And resolved in the affirmative—yeas 66, nays 52, as follows:

YEAS—Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Basset, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, Joseph Bryan, William Butler, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, John Clopton, Frederick Conrad, Jacob Crowninshield, John Dawson, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, James Holland, David Holmes, John G. Jackson, Walter Jones, Nehemiah Knight, John Lambert, Joseph Lewis, jun., Josiah Masters, Nicholas R. Moore, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, John Smilie, O'Brien Smith, Samuel Smith, Joseph Stanton, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Matthew Walton, Robert Whitehill, Marmaduke Williams, Alexander Wilson, and Joseph Winston.

NAYS—Willis Alston, jun., James M. Broom, John Boyle, Levi Casey, Matthew Clay, George Clinton, jun., Orchard Cook, Richard Cutts, Ezra Darby, John Davenport, jun., Elias Earle, Peter Early, Caleb Ellis, William Ely, Peterson Goodwyn, Isaiah L. Green, William Helms, James Kelly, Thomas Kenan, Michael Leib, Henry W. Livingston, Patrick Magruder, Robert Marion, David Meriwether, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Rhea of Tennessee, John Russel, Peter Sailly, James Sloan, John Cotton Smith, Henry Southard, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin, Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Philip Van Cortlandt, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Eliphalet Wickes, David R Williams, Nathan Williams, and Thomas Wynns.

Whereupon, the said THOMAS SPALDING took his seat in the House, as a Representative for the State of Georgia; the oath to support the Constitution of the United States being first administered to him by Mr. Speaker, according to law.

THURSDAY, December 26.

The House resolved itself into a Committee of the Whole on the bill for the relief of Edward Toppan, George Jenkins, and William Currier.

The bill was reported without amendment and ordered to be engrossed, and read the third time to-morrow.

Mr. FINDLEY, from the Committee of Elections, to whom it was referred to examine the certificates and other credentials of the members returned to serve in this House, made a report, in part, thereupon; which was read and ordered to lie on the table.

The Committee of the Whole House to whom was committed, on the seventeenth instant, the report of the Committee of Claims on a petition of the crew of the late United States' frigate Philadelphia, were discharged from the consideration thereof; and the petitioners had leave to withdraw their petition.

GENERAL EATON.

The House resolved itself into a Committee of the Whole, on the report of the select committee to whom had been recommitted the resolution respecting William Eaton, Esq.

The original resolution is in the following words:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present a sword, in the name of Congress, to William Eaton, Esquire, as a testimony of the high sense entertained of his gallantry and good conduct in leading a small band of our countrymen, and others, through the desert of Lybia, on an expedition against Tripoli, in conjunction with the ex-Bashaw of that Regency; defeating the Tripolitan army at Derne, with the assistance of a small part of the Naval force of the United States, and contributing thereby to a successful termination of the war, and the restoration of our captive fellow-citizens to liberty and their country.

The select committee recommended amending it by substituting "a gold medal with suitable devices," in lieu of "sword," and striking out the word "at," and inserting in its room, "taking the city of."

On agreeing to the first amendment:

Mr. J. CLAY said he was far from wishing to derogate from the merits of Mr. Eaton. On the contrary, no man was more ready to bestow the reward his gallant and good conduct merited. But, when he consulted the Journals of Congress, and found that only three medals had been conferred during the whole period of the Revolutionary war, in which our liberties and independence had been achieved, and considered the occasions on which they had been given, he could not consider the present case as entitled to the same expression of national gratitude. He could not, for instance, consider the taking of Derne as equal in importance to the capture of Cornwallis. In the more recent case of Captain Decatur, Congress had only given a sword, though that officer had carried, captured, and burnt the frigate Philadelphia, and was afterward the first man who took a gunboat from the enemy; which exploits were accompanied by exertions such as have scarcely been precedented in similar circumstances. For all this, Congress conferred a sword only. Mr. C. said, he believed that there had, in this instance, been as much gallantry and good conduct displayed as in the case now before the Committee. He, therefore, thought, the reward bestowed in the one case would be adequate to the other. For these reasons, he should be obliged to vote against the amendment.

Mr. J. RANDOLPH rose to express his coincidence of opinion with the gentleman from Pennsylvania. That rewards should be proportioned, not only to the exertions of those claiming them, but to the dignity and importance of the achievement which drew them forth, was not less true than that merit

should be encouraged wherever it might appear. I believe, sir, said Mr. R., that the gentleman who is the object of this resolution would infinitely prefer—I have not the pleasure of his acquaintance—I judge of his feelings by my own—I am persuaded that he would set a far greater value upon any testimony, however small, of the unanimous approbation of this House, than on the highest token of applause which a bare majority could give him. For this reason, I regret that the mover of the resolution has changed a course in which all seemed disposed to follow him, for one which so many were likely to disapprove. It has been stated that but three or four medals had been struck during the Revolutionary war; one, I believe, for Saratoga, another for the capitulation of York; a third, perhaps, upon that occasion, more august, when the Commander-in-Chief of our Armies came to resign into the hands of the civil authority that military power with which he had been intrusted for the salvation of his country. I have always understood that medals were struck, not so much in compliment to an individual, as to commemorate some great national event, and we are now called upon to commemorate the great national event—of what, sir? A skirmish between a few of our countrymen and a handful of undisciplined, half-armed barbarians. As this question is rather a subject of taste and feeling than of argument, I shall not trouble the Committee upon it, further than to suggest that there is a true and false sublime in politics as well as in poetry, and that, by attempting to soar too high, we shall only plunge into bathos.

Mr. BIDWELL.—I agree, generally, in the principle assumed by the gentleman from Pennsylvania and the gentleman from Virginia, with regard to the apportionment of rewards to the degree of merit, and the importance of the act performed. When the subject now under consideration first occupied our attention, it appeared to me that a sword was the proper symbol by which to express the national gratitude; but, on more mature reflection, I have formed a contrary conclusion. The presentation of a sword would appear to be more appropriate to services merely military, while a medal is more characteristic of services of a mixed nature, performed with some great object in view. The achievement, which is the object of the present resolution, is not merely military, but partly military and partly diplomatic. A sword would not, in rank, be adequate to the enterprise or equal to the service performed. This service was, in a great measure, voluntary. An expedition was undertaken, in connexion with the ex-Bashaw of Tripoli, and with the tacit consent of our Government. Mr. Eaton commanded the army of the ex-Bashaw. For these reasons, it appears to me, that a medal is more appropriate as emblematical of the gratitude of the country, than a sword would be. In point of examples that may have been set, I shall not go back to the Revolution, to inquire into the distinctions which may have been then made in rewarding different degrees of merit. On a late occasion, we have seen a medal bestowed on Commodore Preble. With the gentlemen who have preceded me, I agree that unanimity would add highly to the gratification of the gentleman who is the object of this resolution, and it would be certainly highly gratifying to me as friendly to it. I am, therefore, sorry that an unanimous vote is not likely to obtain. I merely rose to state the reasons which induced me to vary the motion from its original shape.

At the request of Mr. STANTON, the resolution conferring a gold medal on Captain Truxtun was read:

When the question was taken on striking out "sword," and inserting a "medal of gold with suitable devices," and passed in the affirmative—ayes 56, nays 54.

The Committee rose, and reported their agreement to the report of the select committee, which the House immediately took into consideration.

On the question to concur with the Committee of the Whole, in the amendment,

Mr. J. CLAY rose to express a hope that the gentlemen in the majority would agree to conferring a sword instead of a medal. He declared himself as anxious as any gentleman could be, to bestow in this case a proper tribute of respect; but he could not, in conscience or duty, agree to awarding a medal, and he felt himself under the necessity of calling for the yeas and nays.

Mr. JACKSON.—Inasmuch as I took the liberty of expressing my approbation of the amendment now under consideration, when this subject was previously before the House, and am now of the opinion that it ought not to be adopted, I think it proper briefly to assign my reasons for the vote I shall give.

On a former occasion, I was governed by a sentiment of feeling, having, at the same time a regard to precedents, without taking into view the case of Captain Decatur. Without derogating from the merits of others, I consider his merits to be as great as those of any other man. I am of opinion if others of not greater merit have received higher testimonials of respect; if we have made a distinction between men of equal merit, and assigned to subordinate merit the same reward as to those who have achieved the liberty of their country, it is time to stop. It is extremely delicate to compare the merits of particular men, where all have deserved well of their country, and deserve its respect and gratitude. As the highest meed is due to those who have rendered the greatest services to their country, we ought not to associate such cases with those of a lower grade, because, we thereby impair the testimony of gratitude and respect so justly due to those who achieved our liberty and independence.

Mr. VARNUM.—I agree that every expression of national gratitude ought to be in proportion to the services rendered; but I do not agree that it ought to be in proportion to the rank of those who performed them. This circumstance ought to make no difference in the return of gratitude; or, if it did make a difference, it ought to dignify rather than derogate from the degree of merit. There should be no difference, whether the object of our

gratitude were the highest general or the lowest sentinel. We all know that Mr. Eaton was in the United States three years since; that he then formed the project of embarking the ex-Bashaw in our service; and, by a junction of a land force with our naval armament, to insure peace. This project was thought by many chimerical, yet he was permitted to attempt it. I will ask if a greater enterprise has been undertaken by any general whatever than that executed by Eaton? Look at the whole of the transaction, from his entering Egypt to his going on board the frigate. Look at the enterprise he planned! I do not say it ought to have been warmly entered into by the Government; but, if the arrangements he had made had been supported by two or three thousand men, I have not a doubt but they would have taken Tripoli; perhaps a less number would have been sufficient. The President says: "The band 'under Eaton, and their successful enterprise on 'the city of Derne, contributed, doubtless, to the 'impression which produced peace." Look at the situation in which we still should have been had it not been for this enterprise! There is nothing to justify the idea that it would have been in the power of our navy to reduce our enemy to terms, unless by the co-operation of some force on land. I believe that the force under Eaton had a greater effect than the whole fleet in producing peace. Yet, if we gave Preble a medal, for which I most cheerfully voted, by whom peace was not effected, shall we refuse the same reward to Eaton, who accomplished the object? I do not believe, since our existence as an independent nation, there has been a comparable enterprise. For these reasons, I trust, the amendment will prevail.

Mr. ELMER.—I am not very friendly to things of this kind; I believe we may be too lavish in bestowing them. But, if, on this occasion, there is to be anything further than an expression of the high sense we entertain of the services rendered, a medal and not a sword is the proper testimonial. Of this gentlemen will be convinced, by attending to the conduct of our nation, as well as that of other nations. A sword is given for the display of bravery, to inferior officers; or there is sometimes given a brevet commission. We recollect that, on the storming of Stony Point, General Wayne received a sword, and those who headed the forlorn hope were rewarded with a brevet commission. To deserve the national thanks, it is necessary to combine success with bravery. A medal is expressive not merely of bravery, but of bravery, fortitude, and wisdom; to merit it, there should be a combination of all three. The mere taking of Derne, therefore, would not alone entitle Eaton to great praise; but, if everything connected with the plan and the success which crowned it, be taken into consideration, and anything other than thanks are bestowed, it ought to be a medal. If "sword" stood in the resolution, I should be against it, as an improper expression of the public sentiment.

Mr. J. RANDOLPH offered a few words in explanation, apprehending he had been misunderstood by the gentleman from Massachusetts, (Mr. VARNUM.) It was far from his intention to say that rewards should be apportioned amongst men according to rank. With that gentleman, he would be as ready to acknowledge merit in the private sentinel as in the field marshal. It was in the dignity of the action, its importance and value to the community, that he should look, not to the commission of him who performed it. Acts of heroism should never pass unheeded, but every day did not produce a Cocles, or a Mutius. It was to preserve some proportion between the reward and the nature and value of the service that he opposed the resolution in its present shape. He wished the House to be more frugal of the treasure of public applause; it was more precious than that which all seemed ready enough to guard. In such cases it was always safest to err on the side of economy. Already it seemed that a sword, presented in the name of the nation, was held too cheap a recompense for ordinary professional service. Where was this to end? The utmost penury of approbation would not so injure the tone of public sentiment as this lavish prodigality. By being too niggard of praise, enterprise might be repressed, and, in many instances, merit stifled in the germ; but, too great a profusion of honors would almost convert them into a disgrace, would beget an overweening vanity fatal to real greatness. Every man who obtained a trifling advantage over the enemy would conceive himself a Moreau or a Nelson. By setting up this transaction as the *ne plus ultra* of military achievement, as the pillars of Hercules, beyond which none may pretend to pass, we did more to check the spirit of adventurous enterprise than if we took no notice of it at all. But, say gentlemen, the person who is the object of this resolution acted in a twofold capacity, civil and military, and a sword is exclusively appropriated to reward military services. But, without intending a ludicrous allusion, if the gentleman had acted in as many capacities as Lady Bountiful's butler, it would not alter his opinion as to the nature and value of the service. If, indeed, there was such a political repulsion as the gentleman from New Jersey seemed to suppose, between a medal and a sword, like chemical bodies, having no affinity to each other, we should have to give both on this occasion, and have to add a vote of thanks as a basis in which they might unite. Who could doubt that acts of as great personal prowess had been performed on obscure occasions, as in the most important engagements, and yet the one description of service was generally overlooked, while the other was liberally rewarded.

The case of Captain Truxtun had been cited; he remembered perfectly to have voted against it. Of Captain Preble's case, he had no distinct recollection; he had no hesitation, however, in saying that the exploit of Truxtun was a more proper subject for a medal than the present, and that, without entering into any invidious comparison of the conduct and valor of the respective parties, it might be considered in the light of a remarkable national event, the first victory of an

infant navy over an European force, and that force, too, said to be superior to our own. Every Roman history, down to the Compend of Goldsmith, had recorded their first success against the Carthaginian fleet. We might go on lavishing honors until those who wore the insignia of national gratitude would become the multitude, and those who were without them the select few. He deprecated this waste of treasure, which was valuable only in proportion as it was sparingly used. He hoped it would be more carefully husbanded, for he feared, unless we retrenched in this article of expense, that, while we boasted an overflowing Treasury, we should become bankrupt in reputation.

Mr. VARNUM.—Gentlemen seem to be of opinion that a medal is the highest testimonial of national gratitude. I think differently. The highest distinction that can be bestowed, is the thanks of the nation; the next a medal; and the last a sword. Gentlemen will find that this is the course pursued as well by this as by other nations.

Mr. KELLY next rose. He said I view the affair in a very different light. I consider it of great magnitude and national importance. I consider the report of the committee as containing nothing but what is due to the merits of the gentleman who is the object of it. We know that the Regency of Tripoli was at war with the United States, and that it was considered necessary to fit out an armament to compel that Power to act toward us more consistently with the principles of justice. In the course of the operations that followed, it was the misfortune of one of our national vessels to fall into the hands of the enemy, and of her crew to be taken into captivity. Our captive citizens were in a distressed and perilous situation, exposed to all the hazards of any attempt that might be made. An operation on the town of Tripoli was conducted in a gallant manner by Commodore Preble. On that occasion he not only received the thanks of his country, which gentlemen are pleased to call the highest reward in its power to bestow, but likewise a medal; nor were the services he rendered on that occasion too highly applauded; for his conduct was brave and gallant, and yet he did not effect the purpose for which the enterprise was formed. Eaton had displayed talents seldom united in one man. He had not only conceived a plan, but had conducted it with a degree of propriety and gallantry seldom to be met with, and which the President has recognised as conducing to the conclusion of peace. Such services were not, therefore, of an ordinary or trifling nature, but of a high grade and character. I take the enterprise of Eaton to be a great national event. The United States were engaged in a war attended with great expense, and many of our citizens were in captivity, suffering great hardships. Eaton formed, conducted, and carried a plan into effect for the restoration of peace, and the release of our captive countrymen. If this is not a national event of some consideration, which merits the gratitude of the nation, I know not what is. It amounts to nothing less than the obtaining of peace, so long the desire of the Government. For these reasons, I have no hesitation in voting for the amendment, and I only regret that there is a division of sentiment in the House.

The question was then taken by yeas and nays on the amendment; which was agreed to—yeas 58, nays 53, as follows:

YEAS—Willis Alston, junior, Isaac Anderson, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., James M. Broom, John Chandler, Martin Chittenden, John Claiborne, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, junior, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, James Fisk, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, David Hough, James Kelly, Thomas Kenan, Nehemiah Knight, Joseph Lewis, junior, Henry W. Livingston, Patrick Magruder, Josiah Masters, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, John Russell, Martin G. Schuneman, Ebenezer Seaver, John Smilie, John Cotton Smith, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Joseph Winston,

NAYS—John Archer, Burwell Basset, George M. Bedinger, Thomas Blount, Robert Brown, Joseph Bryan, William Butler, George W. Campbell, Joseph Clay, Matthew Clay, George Clinton, jun., Ezra Darby, John Dawson, Elias Earle, John W. Eppes, William Findley, John Fowler, Silas Halsey, William Helms, David Holmes, John G. Jackson, Walter Jones, John Lambert, Michael Leib, Robert Marion, David Meriwether, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, James Sloan, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Abram Trigg, Matthew Walton, Robert Whitehill, David R. Williams, Alexander Wilson, and Thomas Wynns.

The other amendment reported by the Committee of the whole House, to strike out, in the said resolution, between the words "army" and "Derne," the word "at," and to insert, in lieu thereof, the words "and taking the city of," was upon the question put thereupon, agreed to by the House.

Mr. STANTON moved further to amend the resolution by adding the following words:

"By which heroic achievement he has shown himself capable of uniting information with talent, reflection with experience, and stratagem with bravery."

This amendment was disagreed to—yeas 1, nays 101, the mover alone voting for it.

Mr. SMILIE expressed his regret that on a subject that so eminently called for unanimity, and on which there was no difference of opinion as to the meritorious services of Mr. Eaton, there should be such a diversity with regard to the proper tribute to be bestowed. Considering it highly desirable that the resolution, before it received a final vote, should be so modified as to unite the varying opinions in the House, he moved a recommitment of it to a select committee.

In this motion the House concurred—yeas 57, nays, 55, when the resolution was recommitted to the same committee to which it had been previously referred.

FRIDAY, December 27.

Two other members, to wit: SETH HASTINGS and WILLIAM STEDMAN, from Massachusetts, appeared, produced their credentials, were qualified, and took their seats in the House.

An engrossed bill for the relief of Edward Toppan, George Jenkins, and William Currier, was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill to provide for light-houses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery. The bill was reported without amendment and ordered to be engrossed, and read the third time on Monday next.

Mr. JOHN COTTON SMITH, from the Committee of Claims, to whom was referred, on the twelfth instant, a resolution to inquire whether any further compensation ought to be allowed to any of the collectors of the direct tax, made a report thereon; which was read, and committed to the Committee of the whole House to whom was committed, on the tenth instant, the report of the Committee of Claims on the petitions of William Mattocks and of Haines French.

A Message was received from the President of the United States, transmitting a report of the Surveyor of the Public Buildings at the City of Washington, on the subject of the said buildings, and the application of the moneys appropriated for them; which was read and referred to Mr. NELSON, of Maryland, Mr. JONES, Mr. MAGRUDER, Mr. LEWIS, and Mr. HASTINGS.

Ordered, That the committee to whom was referred, on the sixth instant, the petition of the Directors and Agents of the Ohio Company, be discharged from the further consideration thereof; and that the said petition be referred to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means, to whom was referred, on the sixth instant, the petition of Anthony Benezet, and others; and, after some time spent therein, the Committee rose and reported progress.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims, to whom was referred, on the fourth inst. the petitions of William Mattocks and Haines French; and, to which committee it was also referred to inquire whether any further compensation ought to be allowed to any of the collectors of the direct tax; and, after some time spent therein, the Committee rose and reported two resolutions thereupon; which were twice read, and, agreed to by the House, as follows:

"*Resolved*, That the prayer of the petitions, respectively, ought not to be granted."

"*Resolved*, That no further compensation for services performed, or expenses incurred, than what is already provided by law, ought to be allowed to the collectors of the direct tax, or any of them."

MONDAY, December 30.

Another member, to wit: CHRISTOPHER CLARK, from Virginia, appeared, produced his credentials, was qualified, and took his seat in the House.

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of erecting the town of Darien, on the Altamaha river, in the State of Georgia, into a port of entry.

An engrossed bill to provide for light-houses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery, was read the third time, and passed.

A petition of sundry purchasers of public lands, in the State of Ohio, and in the Indiana Territory, was presented to the House and read, praying that farther and reasonable time may be allowed them to make payment for the lands by them respectively purchased; and that the interest due thereon may be relinquished.—Referred to the Committee of Ways and Means.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio;" to which they desire the concurrence of this House. The Senate have passed the bill, entitled "An act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments of the Senate to the bill last mentioned; and the same being severally read at the Clerk's table, were agreed to by the House.

Ordered, That the committee appointed on the twelfth instant, to whom it was referred "to consider and report on the expediency of making provision by law for the application of the money heretofore appropriated to laying out and making certain public roads," be discharged therefrom.

Mr. GREGG observed, that considerable difficulties had arisen in surveying the lands in Louisiana, owing to omissions in the law passed by the last Congress, and that the Committee on Public Lands had received a letter from the Secretary of the Treasury representing these circumstances and stating the necessity of legislative interposition. Mr. G. having read this letter, asked in the name of the committee and obtained leave to present a bill extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes.

The bill was read and referred to a Committee of the Whole.

The bill from the Senate to regulate the laying out and making a road from Cumberland, on the

Potomac, to the river Ohio, in the State of Ohio, was read and referred to a Committee of the Whole on Thursday.

[This bill authorizes the President of the United States to appoint three Commissioners to lay out a road from Cumberland on the Potomac to the river Ohio, in the State of Ohio, to be four rods in width. The Commissioners are directed to make a report to the President of their proceedings, as well as the expense of making the road passable. The President is authorized to accept or reject the report in whole or part. If he shall accept it, he is then authorized to obtain the consent of the States through which the road may pass; and, having obtained such consent, to make a turnpike. Fifty thousand dollars are appropriated, payable first out of the proceeds of the reservation from the sale of lands in Ohio, and, secondly, out of the Treasury of the United States, the last sum to be chargeable to the preceding fund.]

On motion of Mr. J. C. SMITH, the House went into a Committee of the Whole on the report of the Committee of Claims on the petition of Return J. Meigs, in favor of allowing the Governor, Judges, and Secretary of the government of the Territory Northwest of the Ohio, compensation for services performed between the adoption of a constitution by the State of Ohio and the meeting of the Legislature under that constitution.

A question arose whether those officers should be compensated by the United States or by the State of Ohio.

On this question considerable debate arose: Messrs. J. C. SMITH, MORROW, BIDWELL, SLOAN, JACKSON, and DANA, supporting, and Messrs. J. CLAY, STANFORD, SMILIE, and ALSTON, opposing the report.

Mr. J. CLAY moved that the Committee should rise and ask leave to sit again, that further time might be allowed to consider the subject; which motion having been negatived—ayes 69, noes 59, Messrs. J. CLAY and SMILIE again spoke against agreeing to the report, when

On motion of Mr. J. C. SMITH, the Committee rose and asked leave to sit again, which the House granted.

TUESDAY, December 31.

Another member, to wit: MATTHEW LYON, from Kentucky, appeared, produced his credentials, was qualified, and took his seat in the House.

The consideration of Mr. SLOAN'S resolution to lay a tax on slaves imported into the United States, was postponed till Monday next.

A Message was received from the President of the United States, giving the information requested by them relative to the discharge of State balances, and representing that New York is the only State that has discharged any part of the reported balances, and that she has in consequence been allowed a credit of $222,810 on the books of the Treasury.—Referred to the Committee of the Whole on the state of the Union.

A petition of the inhabitants of the City of Washington, in the District of Columbia, was presented to the House and read, praying that a public road may be opened and made at the public expense, so as to connect the northern extremity of Fourteenth street, in the said city, with the public road leading by Rock Creek Church to Fredericktown.—Referred to Messrs. NELSON, of Maryland, STEDMAN, and BASSETT, to examine and report thereupon to the House.

Mr. ELLIOT moved the following resolution:

Resolved, That it is expedient to provide, by law, for fitting and preparing —— navy yards, belonging to the United States, on or near the shore of the Atlantic ocean, for the reception of the ships and vessels of war of the United States.

Referred to the committee, appointed on the fourth instant, on so much of the Message of the President of the United States as relates to the aggressions committed on our coasts by foreign armed vessels; to the defence of our ports and harbors; to the building of seventy-four gun ships; and to the prohibiting of the exportation of arms and ammunition.

A petition of sundry settlers and purchasers of public lands northwest of the Ohio, and between the Miami rivers, was presented to the House and read, praying the right of pre-emption to certain sections of land, in the said State, which they have respectively improved and settled.—Referred to the Committee on the Public Lands.

On motion, it was

Resolved, That a committee be appointed to inquire whether any, and what, further provision ought to be made, by law, respecting the security required of marshals appointed under the authority of the United States, for the faithful performance of their official duties; and that they have leave to report by bill, or otherwise.

Ordered, That Mr. TALLMADGE, Mr. CLARK, and Mr. LYON, be appointed a committee, pursuant to the said resolution.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Claims, to whom was referred, on the sixteenth instant, the memorial of Return Jonathan Meigs, and, after some time spent therein, the committee rose and reported a resolution thereupon; which was again twice read, and agreed to by the House, as follows:

Resolved, That the proper accounting officers be authorized to settle the accounts of the Governor, Secretary, and Judges, of the late Territory of the United States Northwest of the river Ohio, for their services while acting in those capacities, respectively, at any time before the first Tuesday of March, one thousand eight hundred and three.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Claims do prepare and bring in the same.

JOHN DORR.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, having considered the petition of John Dorr, of Boston, in the State of Massachusetts, referred on the 5th instant, submitted the following report:

The petitioner states that, on the 6th of August last, he imported into the district of Boston and Charlestown, in the ship Jenny, from Antwerp, four boxes of Dutch playing cards, the duties of which amounted to nine hundred and thirty-six dollars. Being ignorant of the existence of any law refusing the drawback on the exportation of playing cards, the petitioner actually shipped the cards for the East Indies, and applied to the custom-house to receive the debenture certificates, when he was, for the first time, informed, that playing cards were not entitled to the benefit of drawback. He pleads ignorance of the law, and has made application to Congress for relief.

The committee find that playing cards are refused the drawback on exportation, under the provision of "the act for imposing more specific duties on the importation of certain articles," &c., passed 27th March, 1804, which act was officially received by the collector at Boston, on the 1st of May, and went into operation on the 1st day of July following. From certificates exhibited in this case, it appears it did not occur to the collector, at the time of shipment, that playing cards were not entitled to the drawback, and the petitioner, also, was unacquainted with the law. The committee are of opinion, however, that the petitioner ought to have known that such a law was in force. It would then have been at his own option to have reported the cards for exportation, and in this case they might have been reshipped in the same bottom, without being landed, and no duties whatever could have been demanded upon them. The same law which prohibits the drawback on playing cards, refuses the drawback on foreign fish and fish oil. The importers or exporters of these articles might, with the same propriety, urge complaints against the law, and request a return of the duties in cases of exportation. If the drawback on playing cards is granted, it would be fair to return it on all the foreign fish and fish oil exported since the act went into operation. There appears to have been ample time for the law to have been generally known; it was nearly eighteen months from its passing to the time of the exportation of the playing cards. Although the committee are convinced that the petitioner was not informed of the existence of the law, and although they are of the opinion that his situation is an unfortunate one, yet, considering the necessity there is of preserving uniformity in decisions of this sort, and taking into view, also, the danger that would arise to the revenue, in repealing the law in this particular instance, without extending it to the other articles named in the same act, they are satisfied that the relief prayed for ought not to be granted, and recommend that the petitioner have leave to withdraw his petition.

The report was agreed to, and the House adjourned to Thursday next.

THURSDAY, January 2, 1806.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a report on the memorial of Peter Landais, referred to him by order of the House, on the 16th ultimo; which was read, and committed to a Committee of the Whole on Monday next.

Mr. JOHN COTTON SMITH, from the Committee of Claims, presented a bill for the relief of the Governor, Secretary, and Judges, of the late Territory of the United States Northwest of the river Ohio; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. SAILLY, from the committee appointed on the 16th ultimo, presented a bill to extend jurisdiction, in certain cases, to the State judges and State courts; which was read twice and committed to a Committee of the Whole on Tuesday next.

Ordered, That the Committee on the Public Lands, to whom was referred, on the eighteenth ultimo, the petition of certain actual settlers on lands lately sold by Congress as pre-emption lands, lying between the Miamies, in the State of Ohio, be discharged from the consideration thereof; and that the said petition be referred to the Committee of Ways and Means.

ARMY REGULATIONS.

The House went into a Committee of the Whole on the bill for establishing rules and articles for the government of the Armies of the United States.

The bill was taken up by sections.

On reaching the eighth article, which authorizes a court martial to punish with death or otherwise any one "who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer," Mr. G. W. CAMPBELL moved to strike out the words "death or otherwise."

Messrs. VARNUM and NELSON opposed the motion, which was disagreed to without a division.

In a subsequent article, Mr. G. W. CAMPBELL moved to strike out that part, which authorizes a court martial to punish with death any one who offers violence to his officer.

In support of this amendment, Mr. CAMPBELL reprobated the idea of the lives of citizens being in the power of a court martial. He compared soldiers to mere machines, from the severity of the military law; he said almost every article in the bill was stained with blood; he drew a parallel between them, and the civil penal laws; and that when men know how small offences subjected them to death, they would be deterred from or disgusted in serving their country.

Mr. SOUTHARD and Mr. COOK followed with similar observations and arguments, in favor of the amendment.

This was strenuously opposed by Mr. R. NELSON, Mr. SMILIE, Mr. MACON, and Mr. TALLMADGE.

These gentlemen represented the necessity of the bill standing as it had hitherto done in this respect. They drew a picture of the Army without discipline, where every soldier might think himself at his own disposal—of an army being ordered to attack the enemy, and an officer refusing, and drawing his sword on his commanding officer. The necessity of a code of laws for the military differing from the civil law was demonstrated; and having, by the law as it stands, gone through the Revolutionary war with success, and in peace found no ill consequence arising therefrom, they thought it neither prudent nor safe to adopt the amendment.

Mr. TALLMADGE said, that in the Revolutionary war, the disobedience of soldiers to their officers' commands, had, at one time, gone to such a length as threatened a mutiny. The Adjutant General, Lee, was struck by a soldier on being ordered to do his duty. The commander ordered him to be tried by a general court martial. He was found guilty and sentenced to be shot. The army was drawn up, to attend the execution; upon the spot appointed for that purpose General Lee interceded in behalf of the soldier, who was, in consequence pardoned. This, however, produced a good effect in the army. Mr. TALLMADGE, brought forward other instances of danger, when soldiers were not subject to severe laws. Soldiers, he observed, were a description of men that must be ruled with severity—and though officers were invested with this authority, they were ever careful in exerting it. So far from it, that an officer had an esteem for the soldiers he commands—while the soldier himself, acting up to the tenor of his duty, respected his officer.

The question being now called for on Mr. CAMPBELL'S amendment, was lost. The affirmative only 20.

As the Committee progressed in reading the bill, numerous amendments, principally verbal, were made.

The Committee then rose, reported progress, and asked leave to sit again, which was granted.

CLASSIFICATION OF THE MILITIA.

Mr. VARNUM, from the committee to whom was referred so much of the Message of the President of the United States, of the 3d of December, as relates to the organization and classification of the militia, and to the augmentation of the land forces, made the following report, in part:

In relation to a classification and new organization of the militia. The most extensive view of this part of the subject which has occurred to the committee is, a division of the militia into four classes, in the following manner, viz: those between eighteen and twenty-one years of age to compose one class; those between twenty-one and twenty-six to compose a second class; those between twenty-six and thirty-five to compose a third class; and those between thirty-five and forty-five to compose the fourth class; each class to be under a separate organization, and to be commanded by separate corps of officers. To this kind of organization, as it relates to the first class, we are met by a Constitutional objection. By the Constitution of the United States, Congress are empowered "to provide for organizing, arming, and disciplining the militia, reserving to the States, respectively, the appointment of the officers."

By some of the State constitutions it is provided, that the captains and subalterns of the militia shall be chosen by such of the persons who compose the respective companies as are upwards of twenty-one years of age, so that there is no Constitutional provision by which such States can appoint officers to command a class of the militia composed of minors.

Knowledge of tactics, and an acquaintance with subordination and discipline, are acquirements of such importance to our national defence, that the promotion of them among the militia ought to be a primary object with the Government, and, no doubt, is exceedingly desirable in the minds of the individual citizens. But such means ought to be adopted by the Government as are best calculated to effect the object, with as little fatigue and expense to individuals as the nature of the case will admit. It is conceived, that the fatigue and expense of military discipline is, in a very great degree, proportionate to the population of the different parts of the country where the duty is performed, or, in other words, it is proportionate to the distance each individual composing the different corps is compelled to travel to reach his place of parade. Under the present organization of the militia, this idea is fully verified—the difference in the expense of militia meetings, in those parts of the country where the inhabitants are the most dispersed, when compared with similar meetings, in the more populous parts, is very apparent; and, besides, the nature of the case compels us to believe, that the same cause will produce a similar disparity in military acquirement.

These, however, are evils which grow out of the nature of the case, and cannot be remedied, but by the increase of population, because the principles of the organization are calculated to render the formation of the different corps as compact as is consistent with proper military arrangements.

By the organization and classification of the militia, in the manner which has been named, the limits of each corps must be extended over four times the quantity of territory it now occupies, and, consequently, would burden the citizens with a proportionate additional expense in the acquisition of a competent portion of military information, or operate as a proportionate preventive to such acquisition. The subject has been viewed in another point of light—that is, to call on the two senior classes to exercise but once in a year, so as to proportion the quantum of exercise to the extension of the corps. In this case, all the evils attendant on the extension of the different corps over additional territory will attach to the junior classes which could attach to them in the other case, and the consequent hazard of a failure in discipline will remain.

Military knowledge, like that of every other science, without practice, is soon forgotten, and, although it is not probable that the whole of the militia will be needed in the field at any one time, yet, in case of invasion, it is very possible that all who are in the vicinity of the assailants may be necessary; and, as it is uncertain at what point an enemy may make his attack, all should be prepared to meet such an event; but, from a deficiency in discipline, or the want of a competent knowledge in tactics, in the two senior classes only, an important opportunity for a speedy extermination of an enemy might be lost, and the lives of many valuable citizens put in jeopardy. It is, therefore, believed that this experiment is inadmissible.

Another view of this subject has suggested a classification of the militia by ages, under the existing organization, for the sole purpose of designating those persons who are under twenty-six years of age as the only proper objects of militia duty in the field, except in cases of great emergency, and in their particular vicinage. From eighteen to twenty-one years of age is a period of life in which the young men of the United States are employed in completing an education, in pursuit of mechanical information, or in acquiring a necessary acquaintance with some other branch of business, occupation, or profession, on the improvement of which they calculate to obtain a subsistence. From twenty-one to twenty-six, they are improving their previous

acquirements in their various occupations and professions, and thereby laying a foundation for a decent support of themselves and families through life; this is a period, also, at which the young men of the United States generally engage in matrimony, and become chargeable with families, all which renders their time as dear to them, from eighteen to twenty-six years of age, as at any other period of life.

It would seem, therefore, that an arrangement which would compel this class of our citizens to bear the principal part of the burden of national defence, might justly be deemed a departure from that principle of distributive justice which ought to be a paramount characteristic of the Government of the United States.

That young men would better endure the fatigues of a long campaign than those more advanced in life, is not doubted; but whether, on a sudden emergency, they would be more useful in repulsing an enemy than an equal number of enrolled militia, on an average from eighteen to forty-five, is a question of doubt; if, however, it should be considered that the advantage is in favor of the young men, it is confidently believed, that the advantage in that case to the public would be of a sufficient magnitude to justify the Government in imposing on them such an unequal burden.

If the proposed system should be adopted, the total derangement of the existing organization of the militia must be the consequence. It may be proper here again to remark that, by the Constitution of the United States is vested in the General Government the power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States;" but the same article of the Constitution is express in "reserving to the States, respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress." By this arrangement in the Constitution, the powers necessary to produce an efficient militia are divided between the General Government and the State governments. In pursuance of the power vested in the General Government on this subject, Congress did, in the year 1792, pass an act to establish an uniform militia throughout the United States, which act seems to embrace all the principles in the case delegated to Congress. Soon after the passage of that law by Congress, a consideration of the subject was assumed by the Legislatures of all the States, and laws have been passd by all the States for carrying that system into effect, so that, by the co-operation of the General Government and the State governments, the militia are now completely organized and officered throughout the Union. It is now thirteen years since this system has been in operation; the people practising under it have, in a great degree, become acquainted with it, and attached to it; and, in many parts of the Union, military discipline is rapidly progressing under it, and it cannot with propriety be doubted, that the militia of the United States, under the existing organization, are amply competent to a defence against the intrusion of any invading enemy. To derange this system, then, and introduce one totally new and untried, one in which it is not certain that the State Legislatures will concur, and which is of doubtful aspect, as it relates to the approbation of the people, would, in the opinion of the committee, at this important crisis of our national affairs, be putting too much at risk. They, therefore, recommend the following resolution:

Resolved, That it is inexpedient to adopt measures for the classification or new organization of the militia.

Referred to a Committee of the Whole on Monday.

COLLECTION OF DUTIES.

Mr. SAILLY, from the committee appointed to inquire into the expediency of so far amending the act entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accrued in certain cases therein mentioned," as to extend the powers vested in the district judges of the United States to the judges of the judicial courts of the several States, made the following report:

That, by the 30th section of a law of the United States, to regulate the collection of duties on imports and tonnage, it is made the duty of any person, having the charge and command of any ships or vessels, to make a report, within twenty-four hours, of the arrival of the said ship or vessel, and within forty-eight hours after such arrival to make another report in form of all the particulars required to be in a manifest, &c.; and that if the said master, or other person having the care of any such ships and vessels, shall neglect or omit to make the said reports, or any of them, he shall, for each and every offence, forfeit and pay the sum of $1,000.

And also, that, by the 50th section of the said law, masters of vessels unloading goods without a permit shall forfeit $400.

That by the 105th and 106th sections of the said act, goods, wares, and merchandise may be imported in the districts on the northern and northwestern boundaries of the United States, in vessels and boats of any burden, and in rafts and carriages of any kind and nature, subject to the like regulations, penalties, and forfeitures, as in other districts.

Your committee observe, that the intercourse by water between the inhabitants on the frontier of the United States, particularly of the district of Champlain, and those of Canada, is, in many instances, effected in small boats or canoes, not exceeding three-quarters of a ton burden; that the intercourse with Canada is not confined to the water communication; that at the place where the line of forty-five degrees of north latitude separates the United States from the British territory, Lake Champlain is sixty miles distant from the river St. Lawrence; that the land of that tract is, at several points, inhabited on both sides of the line.

That, by the act under the consideration of your committee, for mitigating or remitting fines, forfeitures, and disabilities, any person that has incurred fine, penalty, or forfeiture, by force of any law of the United States, for the laying, levying, or collecting any duties or taxes, may prefer his petition to the judge of the district, setting forth the circumstances of his case; and, upon an inquiry, it is made the duty of the said judge to cause the facts which shall appear to be stated and annexed to the petition, and to direct their transmission to the Secretary of the Treasury, who shall thereupon have power to mitigate or remit such fine and penalty, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud; and to direct the prosecution, if any shall have been instituted, to be discontinued, upon such terms and conditions as he may deem reasonable and just.

Your committee further observe, that the revenue districts on the northern frontier are at a distance of between three and four hundred miles of the place of residence of the district judges and of the district courts; that any petitioners from those districts would be forced

to travel from six to eight hundred miles with their evidences, in order to avail themselves of the benefits contemplated by the law; that the persons who are liable to infringe the laws of the United States, on account of their local situation, are generally poor, or in very moderate circumstances; that they have not the ability to bear the expenses of so long a journey.

That the inhabitants of the northern part of Lake Champlain are in the habit of transporting their produce, such as pork, butter, and cheese, in canoes in the summer months, and in sleighs during the winter; that the distance from a direct route by land, to any of the custom-house offices, often exceeds twenty miles; that in many instances those people will, through neglect, ignorance, or necessity, unload the trifling articles they have imported before a previous declaration to the custom-house is made; in which case they are liable to pay a fine of $1,000 for not giving notice of their arrival into the district within twenty-four hours, and to pay another fine of $400 for unloading without a permit,

That the inhabitant of the frontier may and will often be driven by want to step over the fictitious barrier, in order to obtain from his neighbor, across the line, a single bushel of corn, perhaps the price of his labor; that, by such an act, the poor man makes himself liable to pay the disproportionate penalty of the law, and that the difficulty or impossibility of petitioning for relief is a stimulus to the rapacity of a wicked informer; and that, on the whole, your committee believe that the law for mitigating and remitting penalties is, in its present form, nugatory as it respects the frontier districts, and that the inhabitants of those districts are totally deprived of the means of obtaining relief.

Under these impressions, and agreeably to the opinion of the Secretary of the Treasury, expressed in his letter hereunto annexed, your committee are of opinion that the powers of the district judges, and of the district courts, ought to be extended to the judges and to the judicial courts of the several States, so far as it respects the revenue districts of Champlain, Sackett's Harbor, Oswego, Genesee, Niagara, Buffalo Creek, and Presque Isle; and they have prepared a bill for that purpose.

Treasury Department, *Dec.* 26, 1805.

Sir: I had the honor to receive your letter of the 19th instant, respecting the propriety of extending the powers vested in the district judges, in relation to the remission of forfeitures and penalties, to the judges of the judicial courts of the several States.

As those forfeitures and penalties can only be incurred on the sea border, or on the northern frontier of the United States, it is only on that frontier that the distance from the residence of the district judge, and from the place where district courts are held, renders it almost impracticable for the parties to avail themselves of the present mode of affording relief.

The inconvenience has been remedied, so far as related to the Territories, by act of last session. There is a district judge in the State of Ohio, and one in that of Vermont. The only part of the frontier where there is just ground of complaint extends from Lake Champlain to the western boundary of Pennsylvania, including the revenue districts of Champlain, Sackett's Harbor, Oswego, Genesee, Niagara, Buffalo Creek, and Presque Isle. I think that it would, on the whole, be in favor of the revenue, as well as of those persons who may inadvertently commit some breach of the revenue laws, were the jurisdiction of the State courts, in those counties which include the above-mentioned districts, extended to all seizures, penalties, and forfeitures, arising under the revenue laws of the United States; and the same powers, in relation to the remission or mitigation of such penalties and forfeitures, given to the presiding judges of those State courts, which have been given to the judges of the district courts of the United States. I have the honor to be, &c.,

ALBERT GALLATIN.

Hon. Peter Sailly, *Chairman, &c.*

The report was referred to the Committee of the Whole on Tuesday next.

Friday, January 3.

A memorial of the House of Representatives of the Territory of Orleans was presented to the House and read, praying a revision, alteration, and amendment, of the act of the last session, entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans, and District of Louisiana;" that legal provision may be made for securing them in the right of common, in certain lands contiguous to their settlements; that the holders of single concessions may be placed upon the same footing with those to whom double concessions were granted by the Governments of France and Spain; and that Congress will patronize and endow public schools for the education of youth in the said Territory.

Ordered, That the said memorial be referred to the committee appointed, on the tenth ultimo, on the petition of the Legislative Council of the Territory of Orleans; and that Mr. Robert Whitehill be added to the said committee, in the room of Mr. John Whitehill, absent on leave.

A petition of P. H. F. Bastrop, of the Territory of Orleans, was presented to the House and read, praying that he may be indemnified by a grant of lands or money, for the loss of an exclusive privilege, granted him before the cession of the said Territory, to trade with the Indian tribes for a term not yet expired, and which exclusive privilege he is now deprived of in consequence of the said cession.—Referred to the committee appointed, on the nineteenth ultimo, on alterations necessary in the "Act to regulate trade and intercourse with the Indian tribes."

A memorial and petition of John Douglass, chairman of a committee of sundry electors of the first election district of Pennsylvania, composed of the city and county of Philadelphia, and the county of Delaware, was presented to the House and read, complaining of an undue election and return of Michael Leib, one of the members returned from the said district to serve in this House, for the said State of Pennsylvania.—Referred to the Committee of Elections.

The House again went into Committee of the Whole on the bill to establish rules and articles for the government of the armies of the United States.

The Committee, having considered the remain-

ing parts of the bill, section by section, reported the same with sundry amendments, which the House took into immediate consideration, approving some and rejecting others; when the bill was ordered to a third reading on Thursday.

Mr. J. RANDOLPH observed that he had a communication to make, which, according to the rules of the House, required the galleries to be cleared; which the SPEAKER, thereupon, directed to be done.

The galleries continued closed till about three o'clock, when they were opened, and the House adjourned till Monday.

MONDAY, January 6.

The SPEAKER laid before the House a letter received by him from David Rumsey, representing that his son, though possessed of a protection, had been impressed by the British; and that, notwithstanding his most strenuous exertions, he is unable to obtain his release. The letter is couched in unlettered, but pathetic terms, and concludes in the following manner: "I lost an estate by 'lending money to carry on the Revolutionary 'war, and I suffered everything but death by be-'ing a prisoner among them (the British) in Can-'ada. I lay fifteen months in close confinement, 'when I bore the rank of a full captain; and if 'this is all the liberty I have gained, to be be-'reaved of my children in that form, and they 'made slaves, I had rather be without it. I hope 'that Congress will take some speedy methods to 'relieve our poor distressed children from under 'their wretched hands, whose tenderest mercy is 'cruelty."—Referred to the Secretary of State.

Mr. CLINTON presented a memorial of the merchants of the city of New York, signed by their chairman and a numerous committee, by the unanimous order, and on behalf of a general meeting of the said merchants, stating that the commerce of the United States has been deeply aggrieved and injured, and the memorialists themselves subjected to heavy and unforeseen losses, by the new assumed principle, adopted by the British tribunals of admiralty, "that neutrals may be restrained in time of war to their accustomed trade in time of peace;" a principle destructive of the hitherto acknowledged rights of neutrals, and, especially, subversive of the whole export trade to the United States: and that, appealing to the universal and inviolable principle of the law of nations, "that the goods of a neutral, consisting of articles not contraband of war, in a neutral vessel employed in direct trade between neutral countries, and ports of a belligerent country, not invested or blockaded, are protected," the memorialists confide in the wisdom and energy of the National Government to devise efficient means for maintaining and protecting the lawful commerce of the United States, and for placing the ports and harbors thereof in a state of defence and security. —Referred to the consideration of a Committee of the Whole on the state of the Union.

Mr. VARNUM, from the committee on that part of the President's Message which relates to the organization of the militia, the augmentation of the land forces, &c., made a further report in part, submitting a bill authorizing a detachment of the militia of the United States; which was referred to a Committee of the Whole to-morrow.

[The bill authorizes the President of the United States to require the Executives of the respective States to hold their quota of one hundred thousand militia in readiness to march at a moment's warning; authorizes the acceptance of volunteer corps as a part of the detachment, and appropriates —— dollars for the purposes of the act.]

Mr. NICHOLSON presented a memorial from the Board of Trustees for the education of youth in the City of Washington, stating the measures taken by the board in the establishment of an academy, and the contemplated establishment of higher institutions; and requesting Congress to aid their views by the donation of city lots, by authorizing a lottery, and by such other measures as they may see fit to take.—Referred to a committee of five members.

Mr. J. RANDOLPH said that the Committee of Ways and Means had received a letter from the Secretary of the Treasury, with various accompanying documents, on abuses alleged to have taken place in consequence of the evidences of the public debt being receivable in payment for lands; and on the vague provisions at present in force relative to the purchase of the public debt by the Commissioners of the Sinking Fund. Having made a brief explanation of these provisions, Mr. R. presented a bill to repeal the act to authorize the receipt of evidences of the public debt in payment for the lands of the United States, and for other purposes relative to the public debt, which was referred to a Committee of the Whole on Thursday.

[This bill provides that the act to authorize the receipt of evidences of the public debt in payment for the lands of the United States, passed March 3, 1797, and so much of any other acts as authorizes the same, shall be repealed after the 31st of March next, and that the Commissioners of the Sinking Fund shall not be authorized to purchase the public debt at higher rates than sixty per cent. of the nominal value of the three per cents., or than the nominal value of its unredeemed amount for any other species, the eight per cents. only excepted, for which they may give, in addition thereto, at the rate of one half of per cent. on the nominal value, for each quarterly dividend, payable from the time of purchase to Jan. 1, 1809. At the close of the accompanying letter of the Secretary of the Treasury, he states his intention of submitting to the Committee of Ways and Means, a plan for converting the three per cents., the old six per cents., and the deferred stock, into a new stock, bearing an interest of six per cent.; by which means the whole public debt contemplated to be discharged at a certain period, may be extinguished.]

IMPRESSED SEAMEN.

Mr. CROWNINSHIELD observed that, at the last session, there had been a return made to the House

of the American seamen impressed by British vessels, which had not been acted upon. Since that period these impressments had increased in a most astonishing degree. It was a fact that from 2,500 to 3,000 of our best seamen were detained by the British. We want the services of this useful class of men. That the attention of the House may be drawn to the subject, in order that proper measures may be taken by the Government, I have drawn up the following resolution:

Resolved, That the Secretary of State be directed to lay before this House, a return of the number of American seamen who have been impressed or detained by the ships of war, or privateers of Great Britain, whose names have been reported to the Department of State since the statement was made to the House at the last session of Congress, mentioning the names of the persons impressed, with the names of the ships and vessels by which they were impressed, and the time of the impressment, together with any facts and circumstances in relation to the same which may have been reported to him; stating, also, the whole number of American seamen impressed, from the commencement of the present war in Europe, and including, in a separate column, the number of passengers, if any, who may have been taken out of American vessels coming to the United States from Europe.

Mr. ELLIOT said that, in seconding the motion of the gentleman from Massachusetts, he felt it a duty to express a hope that the resolution would not only be adopted with perfect unanimity, but that we should no longer stop at the precise point of the adoption of a simple resolution, calling for information on this interesting subject. The information which was laid before the House at the last session, with that which has since been derived from the public papers, has produced a loud expression of public indignation, which it is our duty to echo with energy. To prefer every consequence to insult and habitual wrong, is a sentiment of the Executive, which has been admitted even by its opponents to be correct and honorable. Has the time arrived when it has become indispensably necessary to reduce this principle to practice? Do we suffer insult and habitual wrong? Our merchants call loudly for the redress of injuries. I hope we shall redress them. Let us extend to them the arm of national protection, but let us extend it also to another class of injured citizens; while we give it to the rich, let us not withhold it from the poor. The groans of our impressed fellow-citizens mingle with the murmurs of every gale from the ocean! The queen of that element ought no longer to be suffered to bespangle her diadem with the tears of American seamen, or to substitute her will and her interest for the laws of nature and of nations. It is to be hoped that, upon this subject, we shall take an attitude worthy of the nation; an attitude not to be abandoned but by obtaining complete justice.

The resolution was then agreed to unanimously.

CONTESTED ELECTION.

Mr. FINDLEY, from the Committee of Elections, to whom was referred the petition of John Douglass, praying the House of Representatives of the United States to appoint a commission to set in Philadelphia, for the purpose of investigating the election of MICHAEL LEIB, returned as a member of this House from the State of Pennsylvania, that if the same be found illegal, a new election may be granted, reported, that having, according to order, had the same under consideration, they submit the following report:

A petition against the election of any person returned as a member of the House of Representatives, ought to state the ground on which the election is contested, with such certainty as to give reasonable notice thereof to the sitting member, and to enable the House to judge whether the same be verified by the proof, and if proved, whether it be sufficient to vacate the seat; and the petitioner ought not to be admitted to give evidence of any fact not substantially alleged in his petition.

In the present case, the petition contains no direct or specific charge of an illegality in the election. The only allegations are general and indirect; that is, by a history of the proceedings of certain meetings and committees of electors, and by reference to a subjoined report of one of those committees and the documents accompanying it, which documents appear to be seven *ex parte* depositions, not admissible in evidence, and not deemed proper to be considered as parts of the petition, by being generally referred to therein.

The committee are of opinion, that on such a petition there can be no satisfactory trial of the merits of the election in question; and therefore recommend the following resolution:

Resolved, That the petitioner have leave to withdraw his petition and the papers accompanying the same.

The House immediately took the resolution into consideration, and agreed to it without debate or division.

On motion of Mr. J. RANDOLPH the galleries were cleared about one o'clock. The doors continued closed until a short time beyond the usual period of adjournment, when, on motion, the House adjourned.

TUESDAY, January 7.

The House spent the morning in the reception and reference of petitions.

On the motion of Mr. J. RANDOLPH, the galleries were cleared at about twelve o'clock, and continued closed until the House adjourned, about the usual hour.

WEDNESDAY, January 8.

Mr. MARION, from the committee appointed on the sixteenth ultimo, presented a bill declaring the consent of Congress to an act of the State of South Carolina, passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, so far as the same relates to authorizing the City Council of Charleston, to impose and collect a duty on the tonnage of vessels from foreign ports; which was read twice and committed to a Committee of the Whole on Monday next

Mr. TALLMADGE, from the committee appointed on the thirty-first ultimo, presented a bill relating to bonds given by marshals; which was read twice

and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for light-houses in Long Island Sound, and to declare Roxbury, in the State of Massachusetts, to be a port of delivery," with an amendment; to which they desire the concurrence of this House.

Mr. BIDWELL, from the committee to whom was committed a resolution relative to William Eaton, submitted the f llowing resolution:

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the thanks of Congress be, and hereby are, presented to William Eaton, and his brave associates, for their distinguished services, in the late expedition, planned and conducted by him against Tripoli, in the execution of which they marched from Egypt, through the desert of Lybia, and with the co-operation of the ex-Bashaw, and the assistance of a small part of the naval force of the United States, defeated the Tripolitan army, took the city of Derne, and essentially contributed to the termination of the war, and the restoration of our captive fellow-citizens to liberty and their country.

Referred to a Committee of the Whole House on Saturday.

ARMING THE MILITIA.

Mr. VARNUM observed that it would be found, by the militia returns, that there was in some parts of the Union a considerable deficiency of fire-arms. That inquiry might be made into this subject, and proper arrangements be made for correcting the evil, he moved the following resolution:

Resolved, That a committee be appointed to consider whether any, and, if any, what measures are necessary to be adopted to complete the arming of the militia of the United States.

The House immediately took this resolution into consideration, and agreed to it, with a modification, suggested by Mr. J. C. SMITH, referring it to the committee charged with that part of the Message of the President which relates to the militia.

Mr. VARNUM said, that the inquiry, directed to be made by this resolution, might be facilitated, he would move the following resolution:

Resolved, That the Secretary of War be directed to lay before this House a statement of the number of fire-arms fit for use, the property of the United States, designating the places where they are deposited.

This resolution was immediately agreed to.

ARMY REGULATIONS.

The bill for establishing rules and articles for the government of the armies of the United States was read the third time.

Several verbal amendments were suggested as proper to be made.

Mr. G. W. CAMPBELL moved to recommit the bill to a select committee, with the view of modifying it so as to render more definite the powers of courts martial, and particularly that the power of inflicting the punishment of death should be more guardedly bestowed.

This motion was supported by Mr. FISK, and opposed by Messrs. CONRAD, and EARLY; and lost—yeas 44, nays 57.

Mr. SMILIE then moved a recommitment of the 89th article to the Committee of the Whole House, for the purpose of making the verbal amendments previously suggested.

This motion was carried—yeas 55, nays 47; and the article made the order for this day: When,

At the request of Mr J. RANDOLPH, the galleries were cleared about two o'clock, and remained closed till near 4 o'clock, when the House adjourned.

THURSDAY, January 9.

Mr. GREGG, from the committee appointed on so much of the President's Message as relates to a Naval Peace Establishment, having obtained leave, submitted a bill in addition to an act, entitled an act supplementary to the act providing for a Naval Peace Establishment, and for other purposes; which was referred to a Committee of the Whole House on Tuesday.

[This bill repeals the second and fourth sections of the act recited in the title, authorizes the President to keep in actual service in time of peace so many of the frigates and other public armed vessels, as in his judgment the nature of the service may require, and to cause the residue to be laid up in ordinary, in convenient ports—directs the public armed vessels in actual service in time of peace to be officered and manned as the President shall direct, provided that the officers shall not exceed thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen, who are to receive no more than half their monthly pay while not under orders for actual service, and provided that the whole number of able seamen, ordinary seamen, and boys, shall not exceed nine hundred and twenty-five; the President being at liberty to appoint for the vessels in actual service, as many surgeons, surgeons' mates, sailingmasters, chaplains, pursers, boatswains, gunners, sailmakers, and carpenters, as may in his opinion be necessary.]

The House resolved itself into a Committee of the Whole on the 89th article of the bill establishing rules and articles of war for the government of the armies of the United States.

Having verbally amended this article, the Committee rose, and the House confirmed the amendment, and ordered the article, so amended, to be engrossed for a third reading to day.

The House took into consideration, and concurred in the amendment proposed by the Senate to the bill providing light-houses on Long Island Sound. The bill therefore, only requires the signature of the President, to be a law. The amendment directs the Secretary of the Treasury to have the lights so constructed as to be distinguished from all other lights in the neighborhood.

When, about twelve o'clock, on the motion of Mr. THOMAS, the galleries were cleared. They remained closed until four o'clock, when the House adjourned.

FRIDAY, January 10.

The eighty-ninth article of the first section of the bill for establishing rules and articles for the government of the armies of the United States was brought up, engrossed, and read the third time.

Resolved, That the said bill do pass, and that the title be, "An act for establishing rules and articles for the government of the armies of the United States."

Mr. HOLMES presented a memorial from the Common Council of Alexandria, praying that the provisions of the third section of the act of Congress relative to quarantines may be extended to the District of Columbia, that there may be erected at Jones' Point, the necessary buildings for the accommodation of sick and disabled seamen, and that a general quarantine establishment may be made at Jones' Point, at the public expense; which was referred to the Committee of Commerce and Manufactures.

Mr. THOMAS presented certain proceedings of the House of Representatives of Pennsylvania, relative to the conveyance of the mails and the imposition of postage, which was referred to the Post Office committee.

At about 12 o'clock the galleries were cleared, and continued closed until past 3 o'clock.

SATURDAY, January 11.

The SPEAKER laid before the House a letter from the Secretary of War, exhibiting a statement of the number of fire-arms, the property of the United States, fit for use, designating the places where they are deposited; by which it appears, that, exclusive of the arms in the hands of the troops in the service of the United States, there are deposited in various places: 113,501 muskets with bayonets, 3,666 rifles, 62 fusils, 1,938 pair of pistols, and 918 carbines.

This communication was referred to the committee appointed on the arming of the militia.

A short time after eleven o'clock, the galleries were cleared. They continued closed until four o'clock, when the House adjourned.

MONDAY, January 13.

Several petitions of sundry inhabitants of the counties of Randolph and St. Clair, in the Indiana Territory, were presented to the House and read, praying, for the reasons therein set forth, that the Surveyor General of the United States may be directed to run a line, commencing at a place called Payssa, above Cahokia, and ending at —— river, below Kaskaskia, in such a manner as will include all the settlements made between those two points; and that the land which shall be so included, may be exempted from the mode of survey and terms of sale to which the other public lands of the United States are subject.—Referred to the Committee on the Public Lands.

A Message was received from the President of the United States comprising a statement of the measures of the Executive relative to obtaining the co-operation of the ex-Bashaw of Tripoli against the reigning Bey, and the application of the ex-Bashaw for compensation for services rendered the United States accompanied by various elucidating documents.

The Message was read, and referred to Mr. JOSEPH CLAY, Mr. JOHN C. SMITH, Mr. ROGER NELSON, Mr. CROWNINSHIELD, Mr. GARNETT, Mr. FISK, and Mr. DICKSON.

A memorial of the Legislature of the State of Georgia was presented to the House and read, stating that great oppression and injury has arisen to sundry citizens of the said State, in consequence of a claim of the State of North Carolina to certain lands lying within the boundary of Georgia; that the rights of Georgia have been no less affected and violated thereby, and praying that Congress will interpose and cause the thirty-fifth degree of north latitude to be ascertained, and the line between the two States to be plainly marked.—Referred to Mr. SPALDING, Mr. GEORGE WASHINGTON CAMPBELL, Mr. THOMAS MOORE, Mr. STANFORD, and Mr. EPPES; to examine and report their opinion thereupon to the House.

About twelve o'clock the galleries were again cleared on motion of Mr. JACKSON. The House did not rise till near five o'clock.

TUESDAY, January 14.

The House commenced their proceedings this morning, at eleven o'clock, in secret sitting, having yesterday adjourned while the doors continued closed, and while confidential business was depending.

The House continued sitting until three o'clock, when the doors were opened, and an adjournment ensued.

WEDNESDAY, January 15.

A Message was received from the President of the United States, transmitting an account of the grant of twenty thousand dollars, for the contingent charges of Government, by an act making appropriations for the support of Government, for the year one thousand eight hundred and five. The Message was read, and referred to the Committee of Ways and Means.

A Message was received from the President of the United States, communicating the report of the Director of the Mint, of the operations of that institution, during the last year. The Message was read, and, together with the report transmitted therewith, ordered to lie on the table.

Ordered, That the Committee of the Whole House to whom was referred, on the second instant, the report of the Secretary of State on the petition of Peter Landais, be discharged from the consideration thereof; and that the said report and petition be referred to the Committee of Claims.

On the suggestion of Mr. BIDWELL, who observed that he had a communication to make that required closed doors, the galleries were cleared about twelve o'clock, and remained closed till four, when the House adjourned.

THURSDAY, January 16.

Mr. J. RANDOLPH, from the Committee of Ways and Means, presented a bill making an additional appropriation to supply the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five: which was read twice and committed to a Committee of the Whole to-morrow.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting his report on the petitions of the Inspectors of the Customs of the cities of New York, Baltimore, and Philadelphia, referred to him on the fifth and twenty-third of December last, and on the eleventh instant.—Referred to the Committee of Ways and Means.

Mr. FINDLEY, from the committee appointed on the tenth ultimo, presented a bill to incorporate the trustees of the Presbyterian Congregation of Georgetown, and for other purposes; which was read twice and committed to a Committee of the Whole House on Monday next.

On motion, it was

Resolved, That a committee be appointed to inquire into the expediency of passing a law, declaring the assent of Congress to an act of the General Assembly of the State of North Carolina, passed on the twenty-second day of December one thousand eight hundred and three, entitled "An act to authorize the State of Tennessee to perfect titles to lands reserved to this State by the cession act, and that the committee be authorized to report by bill, or otherwise.

Ordered, That Mr. ALSTON, Mr. G. W. CAMPBELL, Mr. CHITTENDEN, Mr. TRIGG, and Mr. LYON, be appointed a committee, pursuant to the said resolution.

A memorial of the merchants and traders of the city of Philadelphia, was presented to the House and read, stating the extreme embarrassments which have arisen to the commerce of the United States, in consequence of the new assumed principles by the belligerent Powers, respecting the rights of neutrals, and the restrictions thereby imposed; that, under the pressure of these evils, and the piracies and depredations committed, both in the European and West Indian seas, on their lawful commerce, they look with confidence to the protecting arm of Government, and pray that efficient measures may be devised to maintain the rights and vindicate the honor of the United States.—Referred to a Committee of the Whole on the state of the Union.

The House resolved itself into a Committee of the Whole on the bill to repeal the act to authorize the receipt of evidences of the public debt, in payment for the lands of the United States, and for other purposes relative to the public debt; and after some time spent therein the Committee reported the bill without amendment.

FRIDAY, January 17.

Mr GREGG, from the Committee on the Public Lands, to whom was referred, on the twenty-seventh ultimo, the memorial and petition of the Directors and Agents of the Ohio Company, made a report thereon; which was read, and considered: Whereupon,

Resolved, That the prayer of the memorialists, so far as respects their application for twenty mile-square lots, ought not to be granted, and that they have leave to withdraw their memorial.

Mr. TENNEY, from the Committee of Revisal and Unfinished Business, presented a bill further to continue in force the act, entitled "An act for establishing trading-houses with the Indian tribes;" which was read twice and committed to the Committee of Commerce and Manufactures.

A memorial and petitions of sundry inhabitants of the counties of Randolph and St. Clair, in the Indiana Territory, were presented to the House and read, suggesting the expediency of a division of the Indiana Territory, and the erection into a separate Territorial government of a part thereof; of the formation of a Western State; of the admission of slavery into the said Territory, either unconditional or under such restrictions as Congress may impose; and, also, praying redress against certain oppressive acts of the Executive authority of the said Territory.—Referred to the committee appointed, on the nineteenth ultimo, on a letter from William Henry Harrison, Governor of the Indiana Territory.

Mr. GREGG said that he had early in the session offered a resolution, which he thought had been at the time referred to a Committee of the Whole House. Finding that this was not the case, he rose to move that it should be so referred. This resolution, as follows, was taken into consideration—ayes 58, noes 21—and referred to a Committee of the Whole House on the first Monday in February.

Resolved, That so much of an act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," as appropriates any portion of said lands for the purpose of satisfying, quieting, or compensating any claims to the said lands, derived from any act, or pretended act of the State of Georgia, and neither recognised by the articles of agreement and cession between the United States and the State of Georgia, nor embraced by the two first sections of the abovementioned act, be repealed.

BRITISH AGGRESSIONS.

Mr. J. RANDOLPH said he had a motion to make which required the galleries previously to be cleared.

The galleries were accordingly cleared, and continued so for about two hours; when the doors were opened, and a Message from the President of the United States was presented by Mr Coles.

This Message, being partly of a public, and partly of a confidential nature, the galleries were cleared for a short time, while the latter part was read. The doors being again opened, the Clerk read the former part of the Message, relative to British aggressions on neutral rights. The Message contains a copy of a letter transmitted by the Secretary of State to Mr. Monroe, dated April 1, 1805, on the impressment of American seamen; and the copy of a letter from the Secretary to Mr. Mon-

roe, dated April 12, 1805, on the doctrine lately set up by Britain, relative to neutral trade. Besides these papers, the Message enclosed memorials from the merchants of New York, of Newburyport, of Philadelphia, and of Charleston, and from the United Insurance Company of New York, from the Newport Insurance Company, and from the Norfolk Marine Insurance Company.

Mr. THOMAS moved the reference of the Message to a Committee of the Whole on the state of the Union.

Mr. NICHOLSON observed that a subject intimately connected with that of the Message had been already referred to the Committee of Ways and Means; and moved the reference of the Message to that committee.

Mr. THOMAS replied, that the memorial from the merchants of the cities of New York and Philadelphia on the same subject, had been referred to a Committee of the Whole on the state of the Union.

The question of reference to a Committee of the Whole House was taken and passed in the negative—ayes 29.

Mr. NICHOLSON then moved to refer the Message to the Committee of Ways and Means.

Mr. CROWNINSHIELD said he could not conceive why a reference should be made to the Committee of Ways and Means. It had no connexion, or a very remote connexion, with revenue. Surely, said Mr. C. we are not going to settle our difference on this point by pounds, shillings, and pence. He concluded by moving a reference to a select committee.

Mr. DANA observed that the Message embraced two distinct points, one relative to spoliations on our trade, which might go to the Committee of Ways and Means, and the other, relative to the impressment of our seamen, which would most properly be referred to a select committee.

Mr. NICHOLSON varied his motion in the way suggested by Mr. DANA.

The House concurred in his motion to refer so much of the Message as relates to spoliations to the Committee of Ways and Means—ayes 59, noes 13.

So much of the said Message as relates to the impressment of seamen was referred to a select committee of seven members.

Mr. GREGG, from the Committee on the Public Lands, made a report on the memorial of the directors and agents of the Ohio Company. The report states that since the date of the memorial legislative provision had been made for all the objects prayed for, except one. This is, that a grant may be made in aid of schools, of a lot of land twenty miles square, in lieu of the existing appropriation of land. The report concludes with a resolution that the prayer of the memorial, so far as relates to the application for a lot of land of twenty miles square, ought not to be granted.

The House immediately considered the report, and concurred in it without division.

MONDAY, January 20.

Mr. OLIN, one of the Representatives from the State of Vermont, presented to the House certain resolutions of the General Assembly of the said State, proposing an article of amendment to the Constitution of the United States, to prevent the importation of slaves, or people of color, from any of the West India islands, from the coast of Africa, or elsewhere, into the United States, or any part thereof; which were read and ordered to lie on the table.

Mr. STANLEY moved the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before the House a general return of all and singular the warlike stores, the property of the United States, within the same, comprehending ordnance for garrisons and floating batteries, of iron and brass, from a forty-two pounder to cannister, grape, &c., with carriages and implements, describing the condition of the same, whether fit or unfit for service, noting the place of deposit, and under whose direction; mortars, howitzers, beds, and travelling carriages, of different calibres, from nine to two pounders, with crinleers, boxes, tumbrels, ammunition-wagons with harness, noting where situated or deposited; shot, shells, grape, and cannister, attached to the different calibres as above; ammunition and composition of powder in magazines, arsenals, and gun-houses.

Ordered, That the said resolution do lie on the table.

On motion of Mr. JACKSON,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing, by law, for the legal adjudication of claims set up by persons in virtue of purchases, or transfers from purchasers, of lands of the United States, previous to the emanation of grants under their authority.

The House resolved itself into a Committee of the Whole on the bill for the relief of the Governor, Secretary, and Judges, of the late Territory of the United States northwest of the river Ohio. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill to extend the time for taking the oath and giving bond in cases of drawback, and for other purposes; and, after some time spent therein, the Committee rose and reported the said bill, and obtained leave to sit again, and the bill was recommitted to the Committee of Commerce and Manufactures.

An engrossed bill making an additional appropriation to supply the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five, was read the third time and passed.

On motion of Mr. NICHOLSON, the House resolved itself into a Committee of the whole House on a bill making an additional appropriation to supply the deficiency in the appropriation for the naval service during the year 1805.

The CHAIRMAN having read over the bill, Mr. NICHOLSON moved to fill the blank with the sum of $350,000, remarking that this sum, added to that already appropriated, amounted to $600,000, which constituted the entire deficiency for the last year.

This motion was agreed to without debate—yeas 78.

The Committee rose and reported their agreement to the bill with the above amendment, which the House immediately took into consideration, and agreed to, and ordered the bill to be engrossed for a third reading this day.

On motion of Mr. GREGG, the House went into a Committee of the Whole on a bill to extend the powers of the Surveyor General to the Territory of Louisiana, and for other purposes.

Mr. GREGG stated that the object of this bill was to place the people of Louisiana with regard to the public lands on the same footing with the people of the Territories of Indiana and Orleans, which object had not been attended to in the acts of Congress recently passed on the subject.

Mr. GREGG moved several amendments, which were agreed to, accommodating the verbal language of the bill to that made use of in the other land laws.

On motion of Mr. PARKE, a new section was introduced, allowing claimants of land either under the French or Spanish Governments, or derived from actual settlements, or from other sources, until the first day of June, to give evidence of their claims and have the same recorded, and declaring all other claims null and void forever.

Mr. GREGG moved so to amend the bill as to allow a salary of $400 to the principal surveyor, in consideration of his being obliged to keep an office, and being thereby disabled from executing many surveys himself.

Motion lost—yeas 26.

Some other subordinate amendments were made, when the Committee rose and reported their agreement to the bill, with sundry amendments.

The House immediately considered the report, and concurred in all the amendments, except that for introducing a new section, offered by Mr. PARKE, to which they disagreed, only ten mem bers rising in favor of it.

Mr. GREGG renewed his amendment for allowing a salary of $400 to the principal surveyor, which was disagreed to—yeas 42, nays 43.

Ordered, That the bill be engrossed for a third reading to-morrow.

ELIZABETH PECKHAM.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, having considered the petition of Elizabeth Peckham, of North Kingston, in the State of Rhode Island, widow of Benedict Peckham, referred to them by the House of Representatives, on the 11th of December, submitted the following report:

The petitioner states that her husband, Benedict Peckham, in the month of August, 1801, sailed from Rhode Island on a voyage to the West Indies, and imported from thence, into Washington district, North Carolina, about twenty-two hogsheads of rum, and there entered and landed the same, and gave bond with William Ross, as surety for the duties, amounting to six hundred and eighteen dollars and forty-four cents. That the markets not answering the expectations of the said Peckham, he reshipped the said rum, and took passage therewith himself for New York, about the 18th of February, 1802. That, soon after, a violent storm came on, and without doubt the vessel and every person on board were lost, as they have never been heard of since that time. That the said Ross was obliged to pay the duties on the rum, and commenced his action therefor, and attached a dwelling-house and four acres of land, situated in North Kingston, in Rhode Island, on which the petitioner resided with her children, and obtained judgment on his suit, and caused the house and land to be sold at auction. The petitioner further states that the said Peckham died in debt to the amount of the remainder of his estate, and that she with her six children are turned out of their home in consequence of this decision.

The petitioner prays that the amount of duty on the twenty-two hogsheads of rum may be refunded.

The committee consider this as a hard case, and if their humanity alone was to be consulted on the occasion, they could not hesitate to recommend that the wished for relief should be granted; but they cannot venture to recommend a deviation from the invariable practice of the House on all similar applications. The decisions have been founded on strict commercial justice. When articles are imported and bonded at the custom-house, the duties form a part of their value, and immediately become an insurable interest. In the case under consideration, the rum might have been insured, (although it is not stated that it was insured,) and the loss would have fallen on the underwriters. It is true it was not consumed in the country; this, however, ought not to make any difference, if it is considered that the article was going from port to port in the United States, with coasting documents, no bonds having been given to export it to a foreign country. If this claim is allowed, it would be equally fair to refund the duties on all goods which may receive damage after importation, and previous to their consumption, and even in cases of loss by fire, storms, and from every accident or injury whatever.

Considering, therefore, the danger that would arise from innovating upon the revenue system of the United States, in a principle of this magnitude, the committee are induced to offer the following resolution:

Resolved, That the petitioner have leave to withdraw her petition.

The report was agreed to.

IMPORTATION OF SLAVES.

The House resolved itself into a Committee of the Whole on a motion of the tenth ultimo, "for imposing a tax or duty of ten dollars per head upon all slaves hereafter imported into any of the United States."

Mr. SLOAN said, he would not take up much of the time of the House in discussing a resolution, the object of which was so plain as rendered it scarcely possible to elucidate it. He would read that section of the Constitution which gave Congress the power of legislating on this subject, which was so clear as to require nothing to be said in addition to it.

The ninth section of the first article is in these words:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808; but a tax or duty may be imposed on

such importation, not exceeding ten dollars for each person."

I conceive, said Mr. SLOAN, that, by this article, slaves are made an article of importation, in common with other articles imported. Congress have the same power to lay a tax of ten dollars a head on them, as they have to lay an unlimited tax on every other imported article. I presume every member of this Committee has duly considered the subject, and has made up his mind on the expediency of the resolution. For my own part I can see no reason why this article of importation should remain without duty, while all others pay one. For these reasons I hope the Committee will agree to the resolution.

The article of the Constitution, together with the resolution, having been read at the request of Mr. DANA, he called upon the mover of the resolution to assign his reasons for using the word *slaves* instead of the word *persons*, the term used in the Constitution.

Mr. CLARK hoped the Committee would not agree to the resolution. He was no advocate for a system of slavery; but he supposed the adoption of this resolution could only be considered as expressing the opinion of Congress, of the impropriety of importing slaves. As to the revenue to be raised, it was too inconsiderable to be worthy of any attention. He was opposed to the resolution, because it appeared to him that it would be partial in its operation, inasmuch as there were only two States, South Carolina and Georgia, which did not prohibit the importation of slaves, at which it must consequently be considered as levelled. The more he reflected on the subject, the more he doubted the propriety of that species of legislation which bore exclusively on a particular section of the United States, nor did it become the Government of the United States to interfere with the internal police of the States, which were, in this respect, sovereign and independent. For these reasons, he trusted the resolution would not prevail.

Mr. EARLY rose barely to correct the gentleman from Virginia, (Mr. CLARK) in the remark he had made relative to the State of Georgia. There existed no law in that State permitting the importation of slaves; on the contrary, there was an article in their constitution prohibiting it.

Mr. MARION said, this was to be considered as a question of revenue. With regard to the policy of importing slaves, that was left, until the year 1808, exclusively to the States. If this resolution was intended to express the disapprobation of the General Government of the legitimate act of a particular State, he should deem it proper. As well might Congress undertake to express its disapprobation of the election of a Governor chosen in a particular State; his objection arose from the partiality and injustice of the resolution. If in operation it was as extensive as it appeared to be in words, or if he thought it would prevent a single slave from being imported into the United States, it should receive his hearty support; but the very limitation of the tax by the Constitution to ten dollars, was intended to prevent Congress from laying a duty which should prevent the importation; it could not, therefore, prevent the importation of a single slave. It followed that revenue could be the only object. Whether, for this alone, we should lay a tax that would fall exclusively on one State, was worthy of consideration. That State already bore her full proportion of the public burdens, and even more than her proportion. In point of numbers, she contained about one sixteenth part of the Union, and therefore, on the basis of numbers, ought not to be called on to pay a quota of more than six per centum on the whole amount of taxes. Her quota, on the principle on which direct taxes were imposed, ought not to be more than four per centum and four hundredths. On examination, it will be found that the duties paid in South Carolina on imported articles, amount to between one thirteenth, and one-fourteenth part of the whole duties paid into the Treasury, which is between seven and eight per cent. of the whole. When it is considered that no goods are imported into South Carolina for the consumption of the other States, for it was known, Mr. M. said, from the operation of causes which he would not undertake to explain, that goods were considerably higher in Charleston than in the other States, and that, consequently, a cheaper supply of goods could be obtained from other States than from South Carolina; and when, to this circumstance, it was added that South Carolina paid her portion of duties on East India goods, which she derived from the importation of other States, it would be found that she paid a still higher proportion of duties. Under these considerations are Congress prepared to lay a duty on her alone, for such it certainly was? Coming from the State he did, Mr. M. said, it might be supposed he was personally interested in this question; but the fact was, he was as free to act on it as any other member of the House. He had uniformly opposed the importation of slaves, and were he to collect the sentiments of his constituents from the vote of their immediate Representatives on a recent occasion, it would be found that a majority of them were likewise opposed to it. As to himself, he was, in truth, individually interested in preventing the importation of slaves. He never had purchased, nor should he ever purchase a slave. The greater, therefore, the restriction imposed on the importation, the more would it raise the value of those he possessed.

Mr. SOUTHARD declared himself in favor of the resolution. His only regret was, that it was not in the power of Congress to lay a more effectual tax. He thought Congress had a right to declare their opinion of a practice so injurious to the country. The idea was held up in the Constitution that slaves were a proper object of taxation. He believed the tax would prevent few persons from being imported. About two years ago a similar resolution had been agitated in this House. It was then said the Legislature of South Carolina were in session, and that there was a great probability of their repealing the obnoxious law. On this ground the consideration of the resolution

was postponed. Last session, a similar resolution was brought forward, and was, owing to a pressure of business, again postponed. Mr. Southard said there was no doubt, if the resolution had been acted upon two years ago, and Congress had exercised their Constitutional power, it would have prevented a vast number of slaves from being imported. It is said, however, that this resolution will operate partially on South Carolina, but it has not South Carolina particularly in view, but principle; and if that principle be correct, let it operate where it may, let the people of South Carolina feel the weight of it; it is right they should. As the proposed tax may prevent a few, perhaps a single one of these miserable creatures from being torn from the bosom of their family and country, in violation of the ties of nature and the principles of justice, the time of Congress will be well taken up in imposing it, nor has any State a right to complain of such treatment; for, if the traffic is profitable they can well afford to pay for it. Mr. S. concluded, by declaring that, not revenue, but an expression of the national sentiment was his principal object.

Mr. DANA said, that black men were not the only men imported into the United States. If the object of this tax was only to obtain revenue, (and it really appeared to him that we wanted all the revenue we could get,) it might, perhaps, be right to get as much revenue as possible from the importation of men. To have this point elucidated, and to learn the precise grounds of the mover in offering this resolution, he moved to substitute the word *persons*, in lieu of the word *slaves*.

Mr. ALSTON said, in seconding this amendment, his object was to preserve the words of the Constitution, instead of deviating from them into the language of the resolution. He defied gentlemen to show him the word slave in the Constitution: no such word was found in the Constitution. Here Mr. A. read that part of the Constitution already recited, and then proceeded: The word here used, is *person*, not *slave*. Where the gentleman found the latter word, I am altogether at a loss to know. In laying this tax on slaves, we shall defeat a very important part of the Constitution, which says all taxes and duties shall be uniform. From the constitutions of the Southern States, it is impossible for this tax to apply to them; and in many of the other States there is, I believe, a similar provision prohibiting the admission of slaves. Under the constitution of Connecticut, every man is free the moment he puts his foot on their ground. This tax, therefore, cannot apply to that State, unless they alter their constitution, or their steady habits, whichever gentlemen may call them. In Ohio, there is a like prohibition. How then are gentlemen attempting to legislate on the subject? If the object of the resolution were to prohibit the importation of slaves, I believe I should join them in supporting it. I am willing that no more of that description of people should set foot on our shores; but this will not be its effect. On the contrary, it will be partial in its operation, and fall exclusively on South Carolina and a few of the other States, whose constitutions permit the importation of slaves. With these constitutions Congress are presumed to be, and are, acquainted; their acts ought to harmonize with them, and they ought not to pass a law which does not operate equally on all the States. In the present instance, we see South Carolina nearly equally divided in opinion. Is it proper in Congress, under these circumstances, to pass an act to censure them? Can we prohibit the importation? No; we are merely, then, sanctioning the commerce, and imposing a tax that amounts to nothing. What good reason is there for bringing forward this subject at this time? In two years we shall have the power to prohibit the trade altogether. Then this House will be unanimous; no one will object to exercising our full Constitutional powers. But to bring the subject forward in its present shape can only tend to divide us, without doing the least benefit. I hope the motion of the gentleman from Connecticut will prevail, and that we shall adhere to the language of the Constitution.

Mr. SMILIE.—There is no doubt but, by the Constitution, we have a right to prohibit, so far as the imposition of a tax of ten dollars can have the effect, the importation of slaves or freemen, provided we think good policy and humanity justify the measure. And if the House do entertain the opinion, that the policy of the United States requires a prohibition of the emigration of all such persons, they will agree to the amendment; they have a right to do it. But I do not believe this is the disposition of the present House, or of any that has sat under the Constitution. The gentleman rests his amendment on the word *person*, and concludes it to be necessary, because the word slave is not to be found in the Constitution. I rejoice that that word is not in the Constitution; its not being there does honor to the worthies who would not suffer it to become a part of it. What are the facts connected with this business? They are these: When Congress were sitting and legislating for a free people, they determined not to stain the Constitution with that word. The thing was perfectly understood in the Convention. The power, as it stands modified, was the result of that spirit of concession and compromise which, in this as in many other instances, characterizes the Constitution. With regard to the allegation, that this tax would operate partially and severely, I see, on reflection, nothing in it. The right to impose duties on all other articles except this, is unlimited, and the State of South Carolina, in this instance, has the power completely to get rid of this tax. She has only to repeal her law, and she will have no tax to pay. But if that or any other State pursue a trade which justice or good policy forbid, they must submit to the Constitutional powers of Congress. We are placed now in a delicate and trying situation; the resolution is actually before us; and the only question is, whether we will or will not declare our approbation of this iniquitous traffic. As to revenue, it is no object to me. Revenue, no doubt, will grow out of the measure, but that alone would not induce me to patronise it. I have another and a higher

object—to express our disapprobation of this traffic, to manifest to the world that, as the Representatives of a free people, we will, as far as we can, express our opinion of it.

The Chairman here interrupted Mr. Smilie, by stating that the question was on the amendment, to which the remarks of gentlemen must be confined.

Mr. Fisk hoped that the amendment would not prevail. Gentlemen tell us the resolution must be in the words of the Constitution, and that it is partial. He would consider how far this argument would carry them. It is observed that it is improper to call in question the rights of the States; but, according to the argument of the gentleman from North Carolina, if the State of Massachusetts should prohibit her citizens from consuming tea or coffee, Congress would be under the necessity of repealing the duties on those articles, and in this way many other acts of the States would prevent Congress from exercising their Constitutional powers. These things are in the power of the States; they are free to exercise them or not to exercise them. When they conduce to their benefit, they will exercise them; and when they cease to be beneficial, they will abandon them. Congress have the same right to lay a tax in one case as in the other, according as the public good will be advanced by the imposition, as well of the limited tax on slaves, as of the unlimited tax on other objects. In this resolution there is no partiality; it applies to all the States, as well those who have prohibitory laws or constitutions as those who have not. For it is incorrect to say, because some States have Constitutional provisions on the subject, the tax is therefore inapplicable to them, because they have the power of altering their constitutions, and what is in force today may be abandoned to-morrow. To agree to the amendment would be, to hold out the idea to foreigners, about to escape from the tyranny and injustice of Europe, that we meant to refuse them an asylum in our country. It is, indeed, to be presumed that the mover of the amendment is against the whole resolution, and brought forward the one to defeat the other.

Mr. Bedinger moved that the Committee should rise. He said the subject was important; it was late in the day, and he thought they ought to take more time to reflect on it before they came to a decision.

This motion having been agreed to—ayes 64—the Committee rose, reported progress, and asked leave to sit again.

Mr. Dawson hoped that they would not have leave, but that the resolution would be postponed till some time in May.

Mr. Nicholson said, he hoped the Committee would have leave to sit again, and called for the yeas and nays on the question, which being taken, were, yeas 98, nays 15, as follows:

Yeas—Isaac Anderson, John Archer, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, John Boyle, George W. Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, George Clinton, jun., Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., William Dickson, James Elliot, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Michael Leib, Joseph Lewis, jun., Josiah Masters, William McCreery, Nicholas, R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Joseph H. Nicholson, Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rea, of Pennsylvania, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Henry Southard, Thomas Spalding Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Joseph Winston.

Nays—Willis Alston, jun., John Campbell, Christopher Clark, John Clopton, John Dawson, Peter Early, Edwin Gray, James Holland, Robert Marion, David Meriwether, Thomas Moore, John Rhea of Tennessee, O'Brien Smith, David Thomas, and David R. Williams.

Tuesday, January 21.

On motion of Mr. Nelson,

Resolved, That a committee be appointed to inquire whether any, and what, alterations are necessary in the criminal, civil, or equitable jurisdiction of the Circuit Court of the District of Columbia; and that the committee have leave to report by bill, or otherwise.

Ordered. That Mr. Roger Nelson, Mr. Jackson, Mr. Ely, Mr. George W. Campbell, and Mr. Elliot, be appointed a committee, pursuant to the said resolution.

Mr. Gregg, from the Committee on the Public Lands, to whom were referred, on the thirteenth instant, the petitions of sundry inhabitants of Randolph and St. Clair counties, in the Indiana Territory, made a report thereon; which was read, and considered; Whereupon,

Resolved, That the prayer of the petitioners ought not to be granted.

An engrossed bill for the relief of the Governor, Secretary, and Judges, of the late Territory of the United States Northwest of the river Ohio, was read the third time and passed.

An engrossed bill extending the powers of the Surveyor General to the Territory of Louisiana, and for other purposes, was read the third time and passed.

CONTINGENT EXPENSES.

Mr. Early said he held in his hand a resolution instructing the Committee of Ways and

Means to inquire into the expediency of requiring the Secretaries of State, Treasury, War, and Navy, to lay before Congress at the opening of every session a detailed statement of the expenditure of the moneys appropriated to the contingent expenses of their departments. He would briefly state his reasons for offering this motion. The moneys for the contingent purposes of the Government were the only description of expenditures which were not controlled by the House. Over every other branch of expenditure the House exercised a control by specifying with definite clearness the respective objects of expenditure when an appropriation was made. But the moneys appropriated for contingent purposes, were left exclusively to the discretion of the different officers presiding over the several departments, in which they were alone governed by their own will and judgment. The only check which could be exercised over this description of expenditures was to require a detailed statement of disbursements. It would be recollected that a committee had been appointed some time since to investigate the accounts of several officers of the Government, and that they made a detailed report to the House. About that time, it had been contemplated to take the step which he now suggested, but for some reasons it had never been taken. Mr. EARLY said he by no means wished to be understood as entertaining the idea that the discretion with which the heads of department were clothed had been abused. He knew of no facts to justify such an opinion. It was on the ground of principle only that he offered this resolution. Through the four great departments which he had mentioned, passed nine-tenths of the whole money appropriated by Congress; and on looking at the statement contained in the estimates of the Secretary of the Treasury, he found that more than one fourth of the whole amount of money estimated as necessary for the several departments, was for contingent purposes. By that statement it appeared that the whole expenses of the Department of State were $27,000, of which $14,400, were for contingent purposes. Under the head of foreign intercourse $182,500, were estimated as necessary; of which $76,000, were for contingent purposes. The estimates for the Treasury Department were $72,100, of which 12,100 were for contingent purposes. The estimates for the War Department were $29,400, of which 2,000, were for contingent purposes. The estimates for the Military Establishment were $900,500, of which 18,000 were for contingent purposes. The estimates for the Navy Department were $21,100, of which 2,700 were for contingent purposes. The estimates for the Naval Establishment were $867,800, of which $411,900, were for contingent purposes. Mr. EARLY said he presumed this view of the subject would justify him in the eyes of the members of the House in offering the resolution. The resolution was agreed to, as follows:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of making provision by law, for requiring the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, to lay before Congress annually a detailed account of the expenditure of the fund appropriated for the contingent expenses of their several Departments, respectively.

POTOMAC RIVER.

Mr. PHILIP R. THOMPSON, from the committee to whom were referred the petition of sundry inhabitants of the county of Alexandria, in the District of Columbia; the petition of sundry citizens of the United States, resident in the Territory of Columbia; the memorial of sundry inhabitants of Georgetown, in the District of Columbia; the memorial of sundry inhabitants of the City of Washington, residing on the west side of Tiber creek; and the memorial of John P. Van Ness, made the following report:

The petitions of the inhabitants of the town and county of Alexandria, and of the citizens resident in the Territory of Columbia, state: That an easy intercourse between the town of Alexandria and the City of Washington, which is at present prevented by the intervention of the river Potomac, is extremely desirable; that this intercourse is especially interrupted at that season of the year when the river is obstructed by ice; that a bridge from Maryland Avenue to Alexander's island would facilitate the communication, shorten the route of the mail at least six miles, and be generally beneficial to the citizens of the United States; that they are persuaded the bridge contemplated by their petitions will, at some period, be carried into effect, and they view the present time as the most favorable, both in relation to their own and the general convenience, and the interests of those who may be affected by the measure; and that, if the scheme shall be authorized by Congress, it will speedily be carried into effect. They pray that a law may pass to incorporate a company for erecting a bridge across the Potomac from the City of Washington to the county of Alexandria, in some convenient situation, under such regulations and restrictions as the Legislature may deem expedient.

In opposition to these petitions, the committee have referred to them the memorial of the proprietors and inhabitants of Georgetown, which states that Georgetown was laid out under the sanction of law, previous to the Revolution; that it was engaged in foreign commerce before the seat of Government was contemplated to be on the Potomac; that, being at the head of tide-water navigation, the proprietors must have made purchases and improvements with a view to foreign commerce, or some of the trade dependent on it, in the confident expectation that the river would remain free and unobstructed by artificial causes; particularly when they saw Maryland and Virginia make a solemn compact, whereby the river Potomac is declared a common highway for the purpose of navigation and commerce, the navigation whereof is not to be injured or obstructed. They consider that their natural and political rights will be infringed on by the adoption of this measure, as the navigation of the river will be injured or obstructed thereby; that from the meeting of the stream and tide water, at the place where the bridge is contemplated, a tendency will be produced in the impeded stream water to deposit the earthy particles with which it is charged in times of freshets, by which they apprehend the entire main and deep channel may be divided into many small and narrow passages, to the great injury of the navigation.

There is, likewise, referred to your committee the

memorial of the inhabitants of the City of Washington, residing on the west side of Tiber creek; which states, that the memorialists have acquired property on the west side of Tiber creek, in the City of Washington, in confidence that the navigation of the Potomac would not be destroyed by artificial means; that the erection of a bridge at the place contemplated would probably greatly injure the navigation above it, and impair the value of the property of the memorialists; that the project of a bridge across the river is unjust, as no place should calculate on being favored with artificial advantages which cannot be afforded without depriving other places of their natural advantages.

They also find among the documents referred to them the memorial of John P. Van Ness, in opposition to the first-mentioned petitions, on the ground of the measure therein proposed being (if carried into effect) an injurious infraction of the private rights of most of those, both within the city and Georgetown, and on the opposite shore, who are interested above the proposed site of the intended bridge.

The contrariety of sentiment and of interest which exists in the Territory of Columbia on the subject of the proposition contained in the petitions, praying that the erection of a bridge across the Potomac may be authorized by law, has induced your committee deliberately to examine the ground on which the pretensions of the petitioners in favor of the bridge are founded, and the reasons advanced by the memorialists in opposition to the measure.

Two inquiries present themselves, on the decision of which the propriety of authorizing the proposition entirely depends;

1st. Whether Congress have a right to pass a law, by which the object contemplated by the petitioners can be effected? And

2d. If that right exists, whether the benefit to the District, and the community in general, will be so great as to counterbalance the injury which individuals may eventually sustain from authorizing the measure?

In investigating the first point, it became necessary to advert to the act of the Virginia Assembly, passed the 3d of January, 1786, and the act of the Assembly of Maryland, passed the 12th of March, in the same year, confirming a compact previously entered into between the two States; from which it appears that, among other stipulations entered into between the States of Virginia and Maryland, by their Commissioners appointed for that purpose, it is agreed, "that the citizens of each State, respectively, shall have full property in the shores of the Potomac river adjoining the lands, with all the emoluments and advantages thereunto belonging, and the privilege of making wharves and other improvements, so as not to obstruct or injure the navigation of the river."

It does not appear to your committee, that the subsequent cession made by the two contracting parties of ten miles square, lying on both sides of the river, under the first article of the Constitution of the United States, to wit: by an act of the Virginia Assembly, passed the 3d day of December, 1791, and by an act of the Assembly of Maryland, passed the 19th day of the same month, in any degree impairs the compact previously made by the two contracting States; but that the United States received the territory, subject to the conditions previously imposed by the former possessors.

Under this impression, your committee considered it a matter of the first importance, in the decision of this question, to inquire whether the fact assumed by the counter-petitioners, that the erection of a bridge will obstruct the navigation of the river above it is founded in truth? In examining this part of the subject, your committee could avail themselves of no other evidence than such as is drawn from analogy.

It appeared to them, that the erection of piers in the river at the place contemplated for the site of the bridge, far from having the effect of occasioning a deposition of earthy matter, and filling the channel, would rather have a tendency to keep the channel open, by the increased velocity of the water passing down the main channel of the river, between the two piers which it seemed practicable to erect on each side of it. It likewise appeared to them, if the erection of the causeway from Mason's island, opposite Georgetown, to the Virginia shore, would produce the effect expected from it, of improving the navigation of the river by means of throwing the whole body of the water of the river into a narrower compass, increasing its velocity, and thereby sweeping out a deeper channel, the same result might reasonably be expected from throwing a greater quantum and force of water into the main channel of the river, between the two piers which would support the bridge across the channel.

Your committee find that the Legislature of Maryland passed a law, on the 29th of December, 1791, previous to the assumption of jurisdiction over the territory by the United States, authorizing the erection of a bridge at or near Georgetown. As the river Potomac is navigable above the town of Georgetown, your committee consider the passage of that law as expressive of an opinion, by the Legislature of Maryland, that the erection of a bridge below the head of tide-water is not such an obstruction or injury as is prohibited by the articles of compact between the two States. And as that arm of the river Potomac between Mason's island and the Virginia shore was navigable previous to the building of the causeway across that branch of the river, your committee have considered the law passed at the last session of Congress, authorizing the erection of that causeway, as declaratory of the right of the Legislature of the United States, (notwithstanding the compact between Virginia and Maryland,) to occlude, in a degree, the navigation of the river within their jurisdiction.

If a bridge can be erected with such a draw as will admit the free passage of vessels of any burden for which there is depth of water in the channel, your committee do not consider the passing a law to authorize such a bridge, under proper restrictions, as any violation of the compact before-mentioned; and, from the best information they have been able to obtain on this point, it seems very practicable to erect a bridge across the river Potomac, with a draw which will permit the passage of such vessels without much detention.

On the second point, whether the benefit to the public would be so great as to counterbalance the inconvenience which might eventually result to individuals from authorizing this measure, your committee have had less difficulty in forming their opinion. From a survey, said to be an accurate one, with which the committee have been furnished, it appears that the distance from Alexandria to Georgetown, (including the river,) by the present route, is eight miles and fifty poles; and from the ferry at Georgetown to the Capitol, three miles and a quarter; making, in the whole, eleven miles three-eighths and fifteen poles. From Alexandria to the Capitol, by the intended bridge, six miles and a half and nine poles, being less than the road at present

travelled by five miles and seven-eighths. Hence it results that that distance will be saved to those having communication between Alexandria and that part of the city lying in the vicinity of, and below the Capitol, and to persons travelling from north to south, and *e converso*.

The casualties, the delays, and the dangers to which the mails of the United States, as well as persons having occasion to pass from one side of the river to the other are subjected from the occurrence of storms, and the formation of ice on the river in Winter, (both which occasionally render the Potomac impassable,) are cogent circumstances in favor of the expediency of authorizing the erection of a bridge.

Your committee are not furnished with data whereon to form an accurate opinion of the actual saving of distance which will take place (in case of the erection of a bridge) in the transportation of the mails of the United States. This, however, from the facts just stated, must be considerable; and the diminution of expense will be proportionate to the diminution of distance.

On the whole, your committee are of opinion that the public interests will be greatly promoted by the erection of a bridge across the river Potomac, at or near the termination of the Maryland Avenue, in the City of Washington, to the county of Alexandria on the opposite side; and, in conformity with that opinion, recommend the following resolution:

Resolved, That the prayer of the petitioners, in favor of the erection of a bridge across the Potomac, is reasonable, and ought to be granted.

The report was made the order of the day for Thursday next.

NATHANIEL GOODWIN AND OTHERS.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred the petition of Nathaniel Goodwin and others, manufacturers of iron hollow ware, in the State of Massachusetts, made the following report:

The petitioners state that they are engaged in the manufacture of iron hollow ware, and as the United States are amply furnished with the materials, and blast furnaces, to supply their inhabitants with that article, they pray that an additional duty may be imposed upon all iron hollow ware, imported from foreign countries.

The committee find that, under existing laws, this article is subject to a duty of seventeen and a half per cent. ad valorem, on importation into the United States in American vessels; and if imported in vessels not of the United States, it is charged with the additional duty of ten per cent. on the duty; making the duty, in this case, amount to nineteen and one quarter per cent. on the invoice value.

There are no documents within the reach of the committee that show the quantity of iron ware imported into the United States in any one year; goods, wares, and merchandise, paying the ad valorem duty, not being particularly designated in the returns from the collectors of the customs; but it is believed the quantity and value have not been very considerable for some years past. It cannot be doubted that the United States are in possession of the material for making iron hollow ware. The native ore is in abundance in many parts of the country, and already furnaces have been established, which bid fair to furnish the fullest supply of that article. The protecting duty imposed on the foreign iron ware, holds out to the skilful manufacturer every encouragement he can reasonably ask for. If this duty was deemed too moderate, and not sufficiently high to give a preference to the domestic manufacture, the committee would deem themselves authorized to propose a further augmentation. The article being not only bulky, but of considerable weight, must be subject to a high freight in proportion to its prime cost; if to this is added the commissions for purchase in Europe, the insurance, and other shipping charges, with the duties payable on its importation here, it will be found that the foreign article comes burdened sufficiently to give a decided advantage to the American manufacturer. Surely the petitioners do not wish to claim a monopoly. A preference they ought to have, and, so far as encouragement has been given to American manufactures generally, the article in question is charged with the highest rate of duties, with a very few exceptions.

If Congress had determined to impose higher duties on imports, with a view of raising additional revenue, or to countervail the extraordinary impositions of other countries, it would be sound policy to single out such articles as could be readily manufactured in the United States; and by making a just discrimination, all might derive a benefit, and none be injured; but as the House have only authorized the committee to report on the subject-matter of the petition, and as they are satisfied that the petitioners may receive a preference in the market for their manufacture, so far as cheapness and the quality of the article will give it to them, when put in competition with the foreign article, they are of opinion that it is at this time inexpedient to augment the duty on iron hollow ware imported into the Untted States. And the committee recommend that the petitioners have leave to withdraw their petition.

The report was agreed to.

IMPORTATION OF SLAVES.

The House again went into a Committee of the Whole on Mr. SLOAN'S resolution for imposing a tax of ten dollars upon every slave imported into the United States.

Mr. CLARK said it was essentially necessary to the passage of a law on this subject that the amendment should prevail. The original resolution contemplated a certain description of persons as slaves; the object of the amendment was to extend it to all persons imported into the United States. Suppose a cargo of slaves should arrive. Will they be entered at the custom-house as slaves? No. They will be recognised as a different description of persons, and by that means the payment of the tax will be evaded, and the law have no possible effect.

Mr. SLOAN said, on opening the business it had not been his intention to take an active part in the debate; but as he had been called on, particularly by the gentleman from Connecticut (Mr. DANA,) he would say a few words in reply. In the first place, he must be permitted to say that he did not consider that gentleman serious—he only considered him as making a display of that agreeable vein of fancy and genius which he had so often before manifested. If he were obliged to consider him as serious, he would in return beg permission to ask him a serious question, what are his views in the amendment he has offered? Are they, said

Mr. SLOAN, in order to prevent the emigration of the subjects of that tyrannic nation from which his predecessors as well as mine, came to this wilderness—choosing rather to risk the dangers of the ocean, of famine and of every other species of hardships than live longer under that tyrannic government? Is he afraid then emigration will crowd our population, or disturb the steady habits of his people? If that is the case I will ease his fears by stating to him that I last year paid a visit to the country west of the mountains, and there beheld the countless millions of acres reserved for the accommodation of poor emigrants. This great tract of country is probably reserved by the Great Author of Nature as the happy asylum for the oppressed subjects of the despotisms of Europe—rather than tax them let us receive them with open arms, remembering that our ancestors were once like them, strangers in a strange land, and let us give them a welcome reception, into this land overflowing with milk and honey.

Mr. DANA.—Notwithstanding my great desire to gratify the gentleman from New Jersey, to gratify whom would afford me great pleasure, yet in the present case, with the best disposition in the world, I cannot do it. The amendment appears to me to be very consistent with the principles on which the resolution was offered. I understood it as a proposition of revenue relative to the importation of a species of men that is profitable to our merchants. I thought the revenue would be extended by taking in the consumption of a larger class of men, who might, therefore, be very fairly taxed. I could scarcely have expected that the gentleman should have travelled over the mountains, and have there counted the countless millions of acres spread out as a beneficent asylum for poor emigrants from Europe, much less that he should have so eloquently portrayed the oppression of England and France, and blended the number of persons about to occupy those western acres with the simple question of revenue now before the House. Gentlemen have brought this forward as a question of revenue. May we not be permitted to take them on their own ground? If, instead of revenue, their object be a condemnation of the trade, let them come out. The gentleman from New Jersey, with his knowledge, cannot be so ignorant as not to know that there are other persons besides slaves brought into the country, who are deemed beneficial to the community; are hardy and industrious, and that the price paid for their passage affords a profit to our merchants. Whether this description of imported persons is so beneficial as, in policy, not to be taxed, is one thing. By omitting to tax them, we virtually give a bounty. They may not be so valuable to the State as to justify an exemption from all taxation. The objection of gentlemen to the amendment takes too great a sweep, when they consider it as applicable to all persons coming into the United States. It is only applicable to persons imported; that is, to persons bound to service for a term of years. [Mr. DANA here read the article of the Constitution on this subject.] Do gentlemen think the emigration and importation here stated synonymous terms? Persons imported are not persons migrating. If we look to the second section of the fourth article we shall have the point elucidated. "No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor." Persons imported, therefore, are those only who are held to service by some person holding authority over them. The designation, therefore, applies only to those who are indented servants for a time. The gentleman calls upon me to declare my motive for this amendment. I do not, however, know how he became authorized to make this inquisition, or how my motives can influence the convictions of this House. If the proposition is a good one, the motives that produced it ought to have no weight.

Mr. ALSTON said he had but one or two remarks to make, to show the necessity of adopting the amendment. There was a description of persons not embraced by the original resolution, which it had heretofore been thought sound policy particularly to guard against—viz: persons of color from the West Indies. Under the resolution they might be imported, and he would undertake to say, that one hundred of them would be more injurious than ten thousand persons from Africa. This was one reason which induced him to favor the amendment. Another strong reason with him was to make it strictly conformable to the Constitution. Gentleman vaunt the freedom of the Constitution from the word slave, and yet they are for staining every page of the statute book with it.

Mr. SLOAN, in reply to Mr. DANA, said, that although that gentleman would not give his reasons in favor of the amendment, he would give his own against it. His wish was to discriminate between slaves and whites, on the latter of whom he would rather give a bounty than impose a tax.

Mr. FISK moved to amend the amendment by adding, after *persons*, "of color."

Mr. DANA.—I may not perhaps agree with the mover as to the import of the term which he proposes to introduce into the amendment. It has been stated by some students of natural philosophy, that neither black nor white is a color. The intention of the honorable gentleman must be, that the resolution should neither apply to blacks nor whites, and if the gentleman knows the meaning of the term, persons of color, he must know that it does not include blacks, but mulattoes, mustees, &c.

Mr. FISK withdrew his amendment.

Mr. SLOAN moved to add to slaves, "and persons of color."

Mr. MACON (Speaker) said the State of which he was in part a representative, some time after the law now under consideration passed in a neighboring State, came to a resolution for amending the Constitution, to give Congress the power of prohibiting the importation of slaves altogether, which was sent to the Legislature of the several States, many of whom had concurred in it, or in one similar to it. This showed the sense of the States as to this worst of all traffics. No person could more regret the conduct of South Carolina than he did. Perhaps coming from an adjoining

State, his feelings might give him different impressions from that which they ought to do, although he was not sensible that this was the case. But it always seemed to him that this measure was nothing more nor less than arraigning the conduct of a State Legislature, a Legislature that was nearly equally divided, as pointing at them the finger of reprobation of the whole nation. If they had sinned, was it not better and more christian-like to forgive them? On this subject he never had but one opinion, and that was, that such a law ought not to pass. Should it pass, it might perhaps prevent the importation of a few persons.

The CHAIRMAN here reminded the honorable Speaker that the question was on the amendment and not on the resolution, to the former of which the debate must be confined.

Mr. MACON, after vindicating himself from a violation of order, said the subject had been considered in different points of view by the Government. Congress had heretofore felt a difficulty and delicacy in acting upon this subject; so also had the convention that formed the Constitution. In laying on imported goods an ad valorem duty, no duty had been laid on the importation of slaves; it seemed that on this subject Congress and all the Executive officers thought the same way. Congress had, however, passed another law, prohibiting the citizens of the United States from carrying on the trade from one port to another.

There was another question which he believed had not yet been settled, with regard to which he did not profess to be jurist enough to decide the effect of the law. If we lay this duty, could a vessel having slaves on board enter the ports of a State which otherwise she would be prohibited from entering? Suppose such a vessel brought to the port of Wilmington, in North Carolina, which he merely mentioned because nearest to the State of South Carolina. If, in consequence of this tax, she could be entered there, it would be a stronger reason against the measure than had been urged; because it could not be denied that there are some people in North Carolina, who, if these persons could be smuggled in, would purchase them. In the State which he in part represented, there was a portion of this species of property. No one regretted the evil more than he did; but what to do with it was the question. He believed that it was an evil for which the wisest man in the nation could not satisfy himself with a cure. It was an evil which our forefathers had felt, and to which we must submit until an adequate cure was found. It was evident at this time, that the sentiment, he might add, the passion of the nation was against it: the nation had set their faces against it; he was afraid in their decision the House would be governed by this passion. If their only object were to evince their disapprobation of the conduct of South Carolina, instead of imposing a tax, they might pass a resolution expressive of their dissatisfaction, or propose an amendment to the Constitution.

The question was taken on the amendment of Mr. SLOAN, which was lost—yeas 24.

Mr. NELSON said he hoped the amendment of the gentleman from Connecticut would not be adopted; in verity, he could not see any good reason for it; as the object of the amendment was entirely different from the object of the original resolution, which was merely to impose a tax on the importation of slaves. With the honorable Speaker he concurred in regretting that this subject had been agitated; but as it had been brought forward, he should vote for the resolution, provided it were unamended. If the amendment were adopted, he should vote against it.

What do gentlemen who urge the amendment want? Are they about to exclude from the United States the emigration of those unfortunate men who, from poverty or distress, are unable to pay their passage across the Atlantic? Will they add to their misfortunes by burdening them with a new tax? Mr. N. said, that he had heard but one remark which bore the semblance of argument, but which on examination would be found not to be correct. The gentleman from North Carolina (Mr. ALSTON) says, in the Southern States, they are apprehensive of the admission of persons from the West Indies, and that this resolution does not inhibit their introduction. But if they really apprehend danger from this quarter, may they not avert it by prohibiting the importation themselves? Is not the State of South Carolina and every other State competent to this act? Then what occasion is there for the amendment? The original resolution stands as it should do—all the arguments urged go to the main question. Nor are we, said Mr. N., as gentlemen allege, pointing the finger of scorn or disapprobation at any particular State. On the contrary, the object is general. But, say gentlemen, none but South Carolina admits slaves; but does this prove that no other State may not, or will not admit them? And if this should be the case, would not this tax bring us a considerable sum? As to revenue, it is true, it is no great object; though I recollect to have heard a Scotchman say, many mickles make a muckle. I am for the resolution, because I think the people of this country should hold up their hands in disapprobation of the conduct of South Carolina—I am against the amendment, because it would prevent the emigration of a useful and oppressed class of men, and thereby operate cruelly towards them.

Mr. SOUTHARD said, the object of the resolution was to lay a tax of ten dollars on slaves imported into the United States. The amendment did not correspond with the spirit of the Constitution; for it would not be contended that the convention ever meant to place free white persons wishing to emigrate to the United States under the same embarrassment as slaves. The importation of the latter had been considered as a great injury; but he would ask if the emigration of oppressed Europeans was an injury? We have only to look over the United States to see the large number, as well as the respectability of those who have been obliged to pay their passage by binding themselves out for a term of years. It was only necessary for gentlemen to view this subject dispassionately for a moment, to reject the amendment. He would ask, if the amendment carried, whether one member

would vote for the resolution? He believed not, as it would be a greater evil to prevent the emigration of whites than the importation of slaves; as the importation of the latter would be limited to the year 1808, when he had no doubt it would be prohibited by the unanimous vote of Congress.

Mr. DANA.—If I understand the gentleman from New Jersey right, he imagines the amendment is not in compliance with the spirit of the Constitution, inasmuch as he is of opinion that the ninth section of the first article ought to be restricted in fair meaning to slaves. It is in the following words. [Mr. DANA here read the section.] It is, said he, indeed difficult for me to understand, how an amendment in the very words of the Constitution, without the change of a single term, can violate its spirit. Because the same words are used, is it to be inferred it is contrary to the spirit of the Constitution? I am sensible the amendment changes the complexion of the resolution; but while it embraces others, it includes likewise those persons in the resolution. Perhaps it may include some persons who ought to be excluded; but it should be observed that this is only a resolution for settling the principle, and that the subordinate details may be settled in a bill. Gentlemen will not contend that the importation of all descriptions of white persons is beneficial. I recollect one State into which a cargo of convicts was imported, which a law was passed to prohibit. The amendment then merely involves the question, whether the resolution shall be confined to slaves, or be extended to others.

The question was then taken on Mr. DANA'S amendment to substitute persons in the room of slaves, and passed in the negative, only 32 members rising in favor of it.

Mr. EARLY.—I wish for the attention of the Committee while I submit a very few observations on the resolution under consideration, which are intended to go to a single point which has been but slightly noticed by the honorable Speaker, but which may be placed in some points of view that are important. I mean to consider the subject as a matter of feeling, in relation to the State on which it is about to bear. To her it is not unimportant. The object of the resolution certainly is either to point the disapprobation of this nation at the practice in question, or to raise a revenue from that practice. It is either one, or an union of both these ends. If the object be to point the disapprobation of the nation against South Carolina, I pray gentlemen to pause and reflect on the consequences of such a policy; and I beg all to recollect that they are interested as well as South Carolina with regard to such policy. Those who regard either the feelings of one State, or the peace and harmony of the whole nation, will do well to reflect before they adopt a policy bottomed on such a principle.

As it may be, that the measure is entertained as a source of revenue, if this is the object, I will ask one question. Is the price they are to get worth the evil they create? Is the petty sum of $40,000 or $50,000 of so much moment. Is it a sufficient object to this Government to induce them to adopt a measure, which will irritate and wound the feelings of a respectable member of the Confederacy? Forty or fifty thousand dollars is a petty sum to this Government; but it is not so to a State; it is not so to South Carolina. Let gentlemen, if they please, attempt to get round the question, by saying that this resolution is not exclusively confined to South Carolina—the evasion is unworthy of them. The whole nation knows, South Carolina knows, and we know, what is intended by it; and it is the same as if South Carolina was on the face of it. The sum, though trifling to the United States, is not so to South Carolina. The revenue intended by this resolution to be drawn from South Carolina, will equal, if it does not exceed, the whole expense of her government. What, then, will be the situation of the people of that State, in case this resolution is adopted? It will be the situation of a people who pay a double tax. They will pay a tax for the support of their own Government; revenue will be drawn from them for national purposes, as from the other parts of the Union; and they will be burdened with an additional tax, equal to the whole expense of their State Government. I will ask now, whether the evils attending such an imposition, and the reflections arising from it, will not necessarily irritate, wound, and offend the feelings of the people of that State? Whether, then, we consider it as a measure to evince the disapprobation of the nation, or as a source of revenue, it flows from a policy equally questionable. The people, sir, of South Carolina cannot avoid the reflection, that the finger of scorn is pointed at them; that a double tax is imposed on them. What will be the consequence? That which every gentleman must foresee. It is not difficult to foresee it, because it is a natural consequence, such as must follow whenever the common feelings of human nature are entertained. The consequence will be, an alienation of attachment to and respect for this Government. I ask gentlemen to put the question home to themselves, whether the revenue they expect is worth the sacrifice? This is a question which ought never to be stirred in our national councils. Though older men than myself might better tell the Committee than I can do, the effect which introducing this subject in any shape invariably has had on the feelings of the Government, or on the Representatives of the nation, I will undertake to give my opinion of it. Sir, I have always understood that this subject was found most difficult to be adjusted in the Federal Convention. I have always understood that, when brought before the councils of the nation, in any period or in any shape, a fervor of feeling and warmth of sentiment never failed to disturb the public harmony. Every man knows the effect of the first application to Congress on this subject, by a man at the head of a noted body of men in Pennsylvania or Delaware, of the name, I believe, of Warner Mifflin. All know the effects of an application of a more recent date, in the other branch of the Legislature, from some friendly people northwardly. All know the effects of the celebrated resolution laid on our table the last session, by the same gentleman who has favored

us with the resolution under consideration, to make free all persons born of a mother in the Territory of Columbia, after a certain period. All will recollect the height to which the feelings of men were wrought on those occasions. It is because the agitation of this subject always had and always will have the same effect, that I think it ought never to be introduced into this House.

There is another idea on this subject, of no small importance. We constantly hear from different quarters of the Union, complaints relative to the unprotected state of trade. Memorials to this effect are every day heaping themselves upon us. I submit then, the question, whether if we legalize this trade, so far as the imposition of tax can legalize it, we shall not become bound to protect it as completely as we are bound to protect any other species of traffic? And whether we shall not receive crowds of memorials to this effect, from negro merchants? I believe we shall; and if, by collecting a revenue, we legalize the traffic, they will have the same rights as other traders.

I have another objection. I consider it as opening an objectionable source of revenue. I consider it objectionable to draw revenue from such a traffic. Are we not told, in a loud tone, that it involves a violation of every principle of moral obligation; that it is a crying sin, which calls for the vengeance of Heaven? Are we not told, on this very floor, that it is so black a sin as ought to induce us to expect signal vengeance? Well, after these things are said and reiterated, will gentlemen contend that this is a proper source of revenue? What! Draw resources for the support of a great State from acts which are declared to be sins against Heaven? If this be correct, then may we go on with this as a precedent, and take the whole catalogue of crimes, and draw revenue from every oath that is broken, and every felony that is perpetrated! Thus, by taxing every crime, we shall support this Government by the commission of crimes. In my opinion, the adoption of a law or resolution to the effect of that on your table, will fix a stain on the records of this House, and on the character of the nation, at which our posterity will blush, and for which we, in our moments of cool reflection, will have ample cause to condemn ourselves.

There are other points which might be noticed; but as they are such as already have been dwelt on, or are familar to the minds of the members, I will not detain the Committee by any remarks on them, but I will conclude by observing, that so far as respects myself, I will give this resolution a more hearty negative that I have ever before given in my life.

[At the request of Mr. SMILIE, the act of Congress passed in the year 1800, was read by the Clerk.]

Mr. BROOM.—I agree with the gentleman from Georgia in expressing the wish that this resolution had never been brought forward, inasmuch as I wish that the State of South Carilina, in imitation of her sister States, had never given occasion for it. It is said that this is a question which has always produced agitation in this House whenever it came before it. If this be any argument at all, it is in favor of bringing the discussion to a close, by extinguishing the cause which produces it; for, until this shall be the case, there will always be found men in this House to offer a similar resolution, the result of which may be a like agitation. The question is not now whether this resolution shall be introduced, but, as it is introduced, whether it shall not be put to sleep forever, by exercising at once our Constitutional powers. It is contended by the gentleman from North Carolina, (Mr. ALSTON,) that this measure is not Constitutional, because it operates partially.

Mr. ALSTON rose to explain. If he had said that he did not consider the resolution as Constitutional, he had expressed what he did not mean to say. He had meant to say, and he believed he had said, it would operate partially and unjustly.

Mr. BROOM.—I am glad the gentleman has saved the time of the House, and me the trouble, of confuting the argument which I had conceived him to have urged. But as, on this point, much honest fear may prevail, I must be permitted to premise, notwithstanding the gentleman's concession, that this resolution is strictly Constitutional. The spirit of the Constitution, if there were no express provision, would embrace the power; and one of the first laws of the Government would have been in consonance with this spirit, to prohibit a trade so repugnant to the uniform tenor of the Constitution, and to its very preamble. The first object of a body, established to guarantee the rights of a free people, but for this provision, would have been at least a prohibition of the extension of slavery.

But, say gentlemen, there is part of the Constitution which declares that all duties shall be uniform; and because this tax will operate on South Carolina alone, it is unconstitutional. I do not know, however, that Congress are bound to say that each State shall pay an exact proportion of the duties; for, in so extensive an union, it would be impossible for any duty to be laid which would affect equally all parts of it. Do you impose a duty on distilled spirits, you raise one part of the Union in arms; do you tax the fisheries, another part of the Union is in ferment; and so with respect to the imposition of a tax upon other articles consumed unequally in different parts of the Union. No tax can, from the nature of things, operate equally on all the States. By uniformity, can only be meant an uniform operation on all the subjects of tax in whatever part of the Union they may be found. It cannot, therefore, be said that this tax is inconsistent with the spirit of the Constitution. It has the very uniformity required by the Constitution, for no part of the Union will be exempted by any act of the Union from its operation. There can be, therefore, no objection to the resolution on this ground. But we have not to resort to general principles to justify a tax expressly provided for by the words of the Constitution.

"The migration or importation of such persons as 'any of the States now existing shall think proper

'to admit, shall not be prohibited by the Congress 'prior to the year 1808; but a tax or duty may be 'imposed on such importation, not exceeding ten 'dollars for each person." Here there is an express provision that this tax may be imposed. Will gentlemen say that it was the intention of the Convention to give a power which was never to be carried into effect? This power so given implied, on the part of the Union, an agreement to limit the amount of the tax, and on the part of the States a recognition of and an assent to it.

It is said this measure will be harsh, oppressive, unjust. Why? Because it will operate on South Carolina alone. But I will ask, if such be the characteristics of this power, how this clause became ingrafted on the Constitution? Was there not in the Convention, on this subject, concession on both sides? Did not the Union concede to the Southern States, that prior to the year 1808, there should be no prohibition of the importation of slaves? But did not the States, interested in this traffic, concede to the United States the power of laying a tax of ten dollars upon every imported slave? Gentlemen then bind us to our concession; they say it is harsh, unjust; that it tends to wound, irritate, and harrow up their feelings. If this logic be applied to the private transactions of life, how will it sound? I sell a man a horse; he takes it, and I call upon him for the price he promised to give. Instead of giving me the money, he says it is hard and unjust, and that it tends to wound, irritate, and harrow up his feelings to demand it of him. Why did South Carolina submit to the Constitution, and thereby pledge herself to pay this tax, if she is now unwilling to submit to it?

The gentleman says this ought to be considered as a matter of feeling, and that we ought not thus to point the finger of scorn at the State of South Carolina. What is this but an acknowledgment that the traffic is improper, and that the finger of scorn might be directed to it? I am not saying that the proceedings of the State of South Carolina are wrong; but, if they be wrong, to smother up the transaction without exercising our Constitutional power, is to make this Government a party in the wrong. I do not wish to point the finger of scorn at any State, but are we to be prevented, by this suggestion, from prohibiting, as far as we constitutionally can, a trade disapproved of by the general voice of the country, and disapproved of by the laws of every State in the Union except one? To show the extreme abhorrence of Congress against the slave trade, we have but to turn to the law passed in the year 1794; what does it say? "If any citizen or citizens of the 'United States shall, contrary to the true intent 'and meaning of this act, take on board, receive, 'or transport any such persons as above described 'in this act, for the purpose of selling them as 'slaves, as aforesaid, he or they shall forfeit and 'pay, for each and every person so received on 'board, transported, or sold, as aforesaid, two hundred dollars, to be recovered in any court of the 'United States proper to try the same; the first 'moiety thereof to the use of the United States, 'and the other moiety to the use of such person 'or persons who shall sue for and prosecute the 'same." By this act all citizens are prohibited from fitting out vessels for carrying on this trade, and not only the ship is forfeited, but a penalty is likewise imposed of two hundred dollars. In the year 1800, another act was passed by Congress, which has been read by the Clerk. In this act, Congress have manifested their sense of the inhumanity of this trade, and they have imposed penalties on carrying on a trade in slaves even from one foreign port to another. I ask if this is not exhibiting, in the strongest terms, the disapprobation of Congress against this traffic? When, not contented with prohibiting transactions relative to it, which occur under our own eyes, they inflict severe penalties upon those who pursue it in foreign ports. Every State but South Carolina has passed prohibitory laws on this subject. I presume that the pecuniary interests of other States connected with it, are equal to those of South Carolina. They, however, standing aloof from this pursuit of paltry gain, and actuated by motives of humanity and justice, have entirely interdicted it. South Carolina alone, uninfluenced by the example of her sister States, has opened her doors to the introduction of slaves.

If, then, their object be profit, let us, as far as we can, reduce this profit; let us throw every impediment we can in the way of it. But it has been said, and with some degree of apparent triumph, in argument, that if we pass the proposed law, we shall thereby regulate this trade, and, in doing so, be bound to protect it. Astonished, sir, I should be to see that standard, heretofore raised in the defence of liberty, now reduced to protect the slave trade. Fortunately, however, we can never be bound to protect this trade, because the United States have solemnly declared that it shall never be carried on in any of our vessels, or by any of our citizens. How, then, protect it? In French, Spanish, or English vessels? Does not the common sense of every man revolt at the idea? By the laws of the land, our own citizens cannot carry on the trade; surely, then, we cannot be called on to protect foreign vessels in practices disallowed to our own citizens. We have, therefore, no reason on earth to fear that our armed vessels will be degraded by convoying a parcel of slaves to this boasted land of liberty.

But it is said that we shall encourage the trade by drawing a revenue from it. I appeal to the correct sense of gentlemen, whether the imposition of a duty upon an article can be considered as encouraging its importation? Have duties imposed upon imported articles ordinarily this effect? No. If this effect is intended, the way is to strip them of duties; and, in the case of a favorite article, always to keep it exempt from duty. To be told, then, because we lay a duty upon the importation of slaves, we, therefore, favor their importation, is the most novel principle I ever heard of.

It is said this duty will not prohibit the importation of slaves. I would be glad if it should have the effect of prohibiting their importation; but I

will acknowledge I despair of any great effect being produced in this way. But though it may not have this effect, it may depress the great stimulus the trader has to carry on this trade. It can only be carried on from motives of gain. Will it be said to be no trifling thing to impose a tax of ten dollars a head on a cargo of three or four hundred blacks? Will this be no diminution of profit?

This is all we can do. Let us, then, do all we can, and leave the rest to Providence. Let us not call for help until we have first helped ourselves. Let us not say the Constitution ties our hands from doing anything, when we are stared on the very face of it, with the power to do something. We shall never be able to wipe away the disgrace of encouraging the slave trade, which may be imputed to us, unless we pass, to the full extent of our Constitutional powers, laws to prohibit it. May not the reflection be cast upon us, that, after having achieved our liberty, our first act was to trample under foot the most sacred rights of humanity and justice? If what we shall do will not amount to a prohibition of the trade, is all our labor therefore lost? No, sir; we may draw a revenue from it. We are told that this will be disgraceful; that it will be the price of infamy; and that an honest Government ought not to draw a revenue from so corrupt a source. In answer to this suggestion, I will appeal to the sentiments of every member of this Committee. If it be infamous, as gentlemen contend, the Constitution has tied up our hands; the Constitution has legalized the trade. If there be infamy in it, we are bound to submit to it. Under these circumstances, what does common sense tell us to do? To make the most of the power we possess. There is evil enough, God knows, in the trade, and we can only lessen this evil by extracting as much good from it as we can. Is it just to say a Government patronizes crimes because it derives profit from the labor of her criminal convicts? It is contrary to common sense to draw such a conclusion. Gentlemen say, if you draw revenue from this source, you may as well obtain it from licensing thieves, murderers, and the perpetrators of other crimes. But there is a great difference between the cases. In one case you have a right to punish, and, by punishing, prevent the commission of crimes. But here our hands are tied. Thus far, says the Constitution, you shall go, and no farther. We may prevent, and we do prevent, our own citizens from carrying on the slave trade, but they dare not go further. With this view of the subject, I ask whether imposing a duty can be considered as sanctioning the act? A thief we may punish; but, in this case, we cannot drag to our tribunals men who owe no allegiance to our Government, and who are sheltered under a Constitutional provision.

We impose duties on all articles except those we think proper to encourage. Why, then, exempt this? Unfortunately, a slave is considered by our laws as an article of property, and comes within the class of property imported into the United States. Upon salt, sugar, and other articles of the first necessity, we have laid high and oppressive duties. We have laid a duty of twenty cents on every bushel of salt, and correspondent duties on tea, coffee, sugar, and molasses. I ask, then, when it is considered that these articles are extensively consumed by the poor of our country, do we not take from labor the price of its industry, while we omit to lay any duty on slaves, who, so far from being owned by the poor, are the exclusive property of the rich?—thus exempting this article of luxury, while others of the first necessity, which are consumed by the poor, in common with all descriptions of citizens, are burdened with a heavy duty. While articles allowed to be beneficial to all classes pay high duties, articles which are injurious, used by the rich to pamper their luxury, remain free from duty, and all the efforts of the nation cannot obtain the imposition of even a slight duty on them. How inconsistent is this with the pompous profession of relieving the poor, so long sounded in our ears! We have heard it triumphantly announced that the millennium has arrived, and that poor men are no longer to be oppressed with grievous taxes; and yet, when we propose to lay a duty, whose effect might be to lessen the tax on the necessaries of life, we are told we are not to do it, because it will irritate the rich. I would not wish to wound the feelings of any man, but I do not know why we should trample on the poor in order to privilege the rich. In this country, I know of no such privileged order, and I trust we never shall know it. Viewed in the aspect of revenue, is the duty so small as to be unworthy of notice? If the tax produce only $20,000, it will enable us to take off the tax on pepper; and should it produce only $10,000, we may take off the tax on medicines and a variety of other articles consumed by all classes of our citizens. But it may not be as small as gentlemen imagine. If 10,000 slaves are imported in a year, it will amount to $100,000. It is possible double that sum may arise from it. I affect not, on this point, to speak with precision, but if we reckon on what has occurred in past times, we calculate on improper data. As we shall in a short time possess the power of entirely prohibiting the trade, the present moment will probably be seized as the last days in which this iniquitous trade may be triumphantly carried on. In order to meet future demands, those engaged in it will go to the full extent of their capital—to the whole length of which importations will be made. This is a strong reason for our doing all in our power to repress this trade.

I need not dwell on the great number of slaves concentred in the Southern States. At the time of taking the census they amounted to 832,000. In the State of South Carolina there were 146,000 slaves, and 199,000 whites. I need not expatiate on the greatness of this evil. Not only South Carolina may suffer, but all the other neighboring States may share the evil. Those States who are ashamed to avow a participation in the trade, may be indebted to her for an augmentation of their slaves; and the evil may extend to those States who now believe themselves secure. If these people were to rise on their masters, I ask if

the whole Union would not be bound to assist in putting them down? It is not, therefore, South Carolina alone, but all the members of this Confederacy that may be disturbed by the accumulation of this evil. It is from these considerations—because I wish this traffic to be checked, and because, as an object of revenue, I am for making the most of the evil, and because we may be enabled thereby to exempt articles of the first necessity from at least a part of the duties imposed upon them—that I am of opinion that we ought not, in justice, to exempt this article any longer from duty.

[After the speech of Mr. BROOM, the debate went on during the remainder of this and the greater part of the ensuing day. Having already presented, in the remarks of the preceding speakers, nearly the whole of the prominent facts and ideas disclosed in the debate, we shall, from a necessary regard to other more important matter, pass lightly over that part of it which followed, confining our notice principally to replies and explanations drawn forth from the observations already detailed. This course is pursued to give an impartial sketch of what occurred.—*Editors.*]

Mr. SLOAN spoke at some length, enforcing the ideas previously expressed by him.

Mr. BEDINGER assigned his reasons for being against the resolutions. He viewed the slave trade as a great evil, but he feared the imposition of a duty would rather encourage than repress the importation of slaves. He knew the tax would be disagreeable to his constituents, and he would rather go on without receiving a cent from it than raise money in such a way.

Mr. EARLY said that he was far from intending to charge the mover of the resolution with a disposition to wound the feelings of any member of the House. He had said nothing to that effect. He would on the contrary observe that he considered the manner of the gentleman mild, and such as had not rendered him in the least obnoxious to such a charge. He had said that the feelings of South Carolina would be probably wounded by the measure. He had no disposition, however, to charge the gentleman from New Jersey (Mr. SLOAN) with such an intention. The task of wounding the feelings of South Carolina (if the observations of a gentleman on this floor could wound her feelings) had been reserved for the gentleman's friend from Delaware, (Mr. BROOM,) who had taken occasion to heap on her head, so far as related to the importation of slaves, every term of reproach which his imagination could bring to his aid. If he expected he would be imitated in such a procedure, he would be mistaken. One word in reply to an observation which he had applied to the State of Georgia. He had said that the evil was not confined to South Carolina, but that it extended to the neighboring States—that it extended to the State of Georgia, who, though ashamed to avow her approbation of it, participated, notwithstanding, with South Carolina in it. Give me leave to say, said Mr. E., so far as relates to the State of Georgia, that she has not been—that she never will be—ashamed to avow what she does; and that, so far from approving this trade, she took a step six or eight years back, that had not then been taken by any other State: she prohibited the traffic by an express injunction of her constitution. Let the gentleman from Delaware show anything in his own constitution like this. On this occasion, the opponents of the resolution were disposed to treat the subject with temper. Heretofore, the temper which had been displayed had originated with them, but now it has proceeded from a different quarter.

The debate here closed for this day. The Committee rose about 4 o'clock, and obtained leave to sit again.

WEDNESDAY, January 22.

Mr. P. R. THOMPSON presented a memorial from sundry inhabitants of Alexandria, in the District of Columbia, representing that the fees paid to the officers of the courts are exorbitant and oppressive, and praying that the fees may be reduced to the same amount chargeable in the courts of Virginia.—Referred to the committee appointed yesterday on the resolution offered by Mr. NELSON.

After a few explanatory remarks, the object of which was to show the necessity of uniformity in certain judicial proceedings of the States, Mr. BIDWELL offered the following resolution:

Resolved, That a committee be appointed to consider whether any, and if any, what further provision ought to be made by law for prescribing the manner in which the public acts, records, and judicial proceedings of the respective States shall be proved, and the effect thereof; and that they have leave to report by bill or otherwise.

Agreed to, and referred to a committee of five members.

The House resolved itself into a Committee of the Whole on the bill to extend jurisdiction, in certain cases, to the State Judges and State Courts. The bill was reported with an amendment thereto.

Ordered, That the said bill, with the amendment, do lie on the table.

IMPORTATION OF SLAVES.

The House again went into a Committee of the Whole on Mr. SLOAN's resolution for imposing a tax of ten dollars upon every slave imported into the United States.

Mr. DAWSON.—Every gentleman who has spoken on this unfinished business has expressed his regret at its introduction—none feel it more than I do; of the sincerity of which declaration I mean to give a proof by the motion which I shall make to you.

If this regret was felt at the introduction, it must be increased by the course which the argument has taken, and by the warmth which has attended it. At a time like this, when depredations are committed on our commerce, coasts, and harbors; when our property is plundered, our citizens and our country maltreated and insulted, it would seem to me to be more wise and more patriotic to cherish a spirit of accommodation, and to unite all our efforts and wisdom in adopting

those measures best calculated to meet this state of things, to support our just claims, to vindicate our violated rights; and not to introduce subjects which will inevitably create division, which will excite one section of the continent, one portion of our fellow-citizens, against another, thereby disturbing that harmony and union of councils so necessary for the good of the whole.

With this view of our situation, in order to take such measures as the state of our country requires, I move to postpone the farther consideration of that resolution until this day week, in order that we may go into Committee of the Whole on the state of the Union.

Mr. LEIB opposed, and Mr. RHEA, of Tennessee, supported the postponement.

Mr. BROOM said that the gentleman from Virginia spoke of a degree of warmth excited by this discussion. I presume, said Mr. B., that in this remark he had some allusion to me. I must confess I am sorry, that any gentleman should have so understood my observations as to suppose them applicable to any member of this House, or any State in the Union. I assure the House I intended my observations should apply to the slave trade as carried on from Africa, and not to any State or member on this floor. I perceived by a law of the United States that this trade was not permitted to be carried on by any State, or citizen of the United States. I therefore could not presume it was so carried on, and could therefore mean no reflection on any State or citizens of the United States. My observations were exclusively applicable to the slave trade.

Messrs. SLOAN, STANTON, FISK, and ELMER, spoke against the postponement, and Mr. TAGGART against the resolution. When the question on postponement was lost—yeas 35.

Mr. DANA took an historical view of the proceedings of Congress on this subject; regretted the rejection of his amendment, and added, that as the sole question was now on the original resolution, a question which he had wished to have parried, but which the committee had determined should be taken, and he was then officially called upon to express his approbation or disapprobation of the slave trade, he could not hesitate for a moment doing the latter. He should therefore vote for the resolution.

Mr. ALSTON placed in a more expanded view his observations of yesterday, and made additional remarks.

Mr. J. C. SMITH supported the resolution, and vindicated the State he represented from any imputation from not having a similar feature in her constitution to that of the constitution of Georgia. He observed that the constitution of Connecticut, having had its origin about two hundred years ago, had not foreseen the present state of things; but he begged permission to say, that Connecticut had never received into her bosom any of the species of property alluded to.

Some recriminations ensued between several members, on the participation of the traders of some of the New England States in carrying on the slave trade.

Messrs. SMILIE and SOUTHARD spoke at considerable length in favor of the resolution.

Mr. T. MOORE said he had not on this occasion expected to have risen; but as he was one of the Representatives of South Carolina, he thought it his duty to offer a few remarks on the subject.

He said it was true he was one of those who had expressed his expectation that the Legislature of South Carolina would pass prohibitory laws against the importation of slaves. He had no doubt other Representatives of the State had expressed in private the same opinion. It was probable, under that expectation, that the House had postponed the further consideration of the resolution the session before the last. Be that as it might, he hoped the House would not charge him with duplicity. He would state some facts not known to every one. It would be recollected, after the postponement had taken place here, in the Legislature of South Carolina a bill had passed the House of Representatatives by a large majority, and had been lost in the Senate but by a single vote. The last session of the Legislature, the same thing had occurred. He would ask, if this did not justify the expectation he had expressed? As he was up, Mr. M. said, he could not avoid making a reply to a few of the observations of the gentleman from Delaware, (Mr. BROOM.) He was not a little astonished to hear a gentleman on this floor, express such sentiments of malice and disrespect towards South Carolina and her citizens. He had hoped, from a gentleman who lately came into the House, more prudence. But be his standing what it might, he would tell him his expressions had been felt by the Representatives of that State. He had made a long harangue to make the House believe that a tax of ten dollars would do everything; but there was not a single gentleman in the House, acquainted with business, who could believe that it would prevent the importation of a single slave. Mr. M. said, he would make this single observation, and let the gentleman apply it as he pleased. He would remind him of the anecdote between the bedlamite and the beau, who had a sword swaggering at his side; when the latter was asked what he had that sword for, he said it was to kill his enemies—let them alone, said the former, they will die of themselves. If the gentleman had saved himself the trouble of making the disrespectful epithets in which he had indulged, he might have created less cause for irritation, and everything might, perhaps, have been put on the best footing for passing prohibitory laws.

After a few explanatory remarks from Messrs. SLOAN and SMILIE,

Mr. RHEA of Tennessee entered largely into the field of argument against the resolution.

When the question being put, the resolution was agreed to—yeas 79.

The Committee having risen, and the House being resumed, took the report of the Committee into consideration.

Mr. CLARK, having made a few remarks against agreeing to the resolution, asked for the taking of the yeas and nays.

Mr. ALSTON said, if the resolution were to pass, he hoped it would be made intelligible. What constituted a slave? That which made a slave in one State did not make it in another. A cargo of persons brought into South Carolina became, under her laws, slaves, who would not be slaves under the laws of Massachusetts. Are we then about to pass a law for revenue, that taxes the very persons in South Carolina that are not taxable in Massachusetts?

The main question was then taken by yeas and nays on agreeing to the resolution—yeas 90, nays 25, as follows:

YEAS—Isaac Anderson, John Archer, David Bard, Burwell Bassett, Silas Betton, Barnabas Bidwell, Thomas Blount, James M. Broom, Robert Brown, John Boyle, John Chandler, Martin Chittenden, John Claiborne, George Clinton, jun., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., William Dickson, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Charles Goldsborough, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Michael Leib, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Russell, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Joseph Winston.

NAYS—Willis Alston, jun., George M. Bedinger, William Butler, John Campbell, Levi Casey, Christopher Clark, Jacob Crowninshield, John Dawson, Elias Earle, Peter Early, James Elliot, James M. Garnett, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Thomas M. Randolph, John Rhea of Tennessee, Thomas Sandford, O'Brien Smith, Thomas Spalding, Thomas W. Thompson, David R. Williams, and Thomas Wynns.

Ordered, That a bill, or bills, be brought in pursuant to the said resolution; and that Mr. SLOAN, Mr. FISK, and Mr. DANA, do prepare and bring in the same.

THURSDAY, January 23.

On motion of Mr. STANFORD,

Resolved, That a committee be appointed to inquire into the expediency of altering the time for holding the Circuit Court in the District of North Carolina.

Ordered. That Mr. STANFORD, Mr. CLARK, and Mr. WILLIAMS, of South Carolina, be appointed a committee, pursuant to the said resolution.

DETACHMENT OF THE MILITIA.

The House resolved itself into a Committee of the Whole on the bill authorizing a detachment of the militia of the United States. Several blanks in the bill were filled up, one authorizing the President of the United States to accept as part of the detachment any corps of volunteers who shall engage to continue in service six months after arriving at the place of rendezvous, and another appropriating two millions of dollars for the pay and subsistence of such part of the detachment as may be called into service. When the Committee rose and reported the bill with these amendments, in which the House concurred.

Mr. DANA moved to amend the first section by striking out the following words, in *italic*, relative to the proportions of the detachment to be called from the respective States; "to be apportioned by the President of the United States, *by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable*," and by substituting in lieu thereof the words, "according to the last census."

Mr. VARNUM stated several reasons against the amendment.

Mr. DANA withdrew his amendment, and moved a modification of it; which he also withdrew on an explanation made by Mr. VARNUM. When the bill was ordered to be engrossed for a third reading on Monday.

Mr. SMILIE said that on the third of December the following resolution had been entered into by the House:

"*Resolved*, That so much of the Message of the President of the United States as relates to the conduct of the belligerent Powers towards the United States, and the unjustifiable construction lately given by some of them to the law of nations as it regards the rights of neutrals, be referred to the Committee of Ways and Means."

Mr. SMILIE said he did not know how this subject came to be referred to the Committee of Ways and Means. He believed it furnished the first instance of a great national principle being referred to any standing or select committee of the House. It had always been usual to refer such principles for settlement, in the first instance, to a Committee of the Whole on the state of the Union, to which committee several memorials on the same subject had been referred. There was another circumstance which it was necessary to state, which was the deranged situation of the Committee of Ways and Means; three members of which were absent from the House. As this was confessedly the most important subject before them, he trusted the motion he was about to make would prevail.

Mr. SMILIE then moved that the Committee of Ways and Means be discharged from the farther consideration of this subject.

Mr. QUINCY said, if the object was to discuss the propriety of the reference of this subject to the Committee of Ways and Means, he doubted

whether the motion were in order, as the same point had been before debated at large when the reference obtained. He should suppose the most proper course would be to call on the chairman of the committee to inform the House in what situation the business stood. The chairman might, perhaps, be in his place to-morrow. It appeared to him that this motion might imply a censure upon the committee.

Mr. SMILIE said he meant no disrespect to the committee, and said he would, at the request of the member, withdraw his motion until to-morrow.

DEFENCE OF PORTS AND HARBORS.

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole on the state of the Union, on the report of a select committee on that part of the Message of the President that relates to the defending our ports and harbors, &c.

The first resolution was read as follows:

Resolved, That a sum of money, not exceeding one hundred and fifty thousand dollars, be appropriated to enable the President of the United States, to cause our ports and harbors to be better fortified and protected against any insult or injury.

Mr. DAWSON.—At the commencement of the present session, the President of the United States in obedience to his duty, made known to us the state of the nation; he then informed us, that,

"Our coasts have been infested, and our harbors watched, by private armed vessels, some of them without commissions, some with illegal commissions, others, with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off, under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews, and abandoned them in boats in the open sea, or on desert shores, without food or covering. These enormities appearing to be unreached by any control of their Sovereigns, I found it necessary to equip a force, to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

"The same system of hovering on our coasts and harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce."

"With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during the former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims in nowise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to."

"Inroads have been recently made into the Territories of Orleans and the Mississippi. Our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that Government."

"In reviewing these injuries from some of the belligerent Powers, the moderation, the firmness, and the wisdom of the Legislature will all be called into action."

This communication excited the honest indignation of all who heard it; and a similar impression seems to have been made in every part of the continent. Already have our constituents expressed their sentiments; daily do our fellow-citizens convey to us declarations of their indignation; already have they offered their lives, their fortunes and their sacred honor, in support of our just claims, and of our violated rights; nor have occurrences since lessened that impression. It now becomes our duty, and a most important one it is, to adopt those measures, and to provide those means, best calculated to meet the state of things; to secure peace, if peace is attainable on terms consistent with our interest and honor; and, if not, to unite the confidence, rouse the zeal, and direct all the energies of our country, if by the folly of some Governments and the vices of others they should become necessary. To this all the wisdom, all the firmness, all the moderation of Congress will be called into action. It well behooves us to be neither rash nor diffident; but, assuming that ground which reason, justice, and our importance as a nation, entitle us to, to maintain it with unbating zeal, an invincible firmness; and rendering justice to all, we have a right to demand it from all.

It is impossible for any person to look back on the injuries and insults which we have received, without feeling much indignation and a spirit for revenge. It is impossible to look forward without feeling much anxiety and much awe. I own to you I have experienced them. I have, however, consoled myself with the pleasing hope, that when we came into a Committee of the Whole, and took a general view of the state of our country, a spirit of accommodation would have discovered itself; that, forgetting all party or local distinction, we should have united our efforts in support of our violated rights, of our plundered property, of our degraded citizens; nor did I doubt, nor do I now, that, with this disposition, the wisdom of Congress was adequate to all their purposes; to support the peace, interest, and honor of our country.

Mr. CLINTON.—It must strike every member of the House that the sum contemplated to be appropriated by the resolution to the protection of our ports and harbors, is altogether inadequate. I did not expect that we should be called upon at this time to take this subject into consideration, and I am not, therefore, prepared to go into the necessary details upon it; but I believe the proposed sum will go but a small way to fortify even the port of New York alone. I believe the fortification of our ports and harbors is an object of the very first importance, which has excited the sensibility of our countrymen from one end of the continent to the other. The attention of Congress has been particularly called to the defence-

less and unprotected state of the port of New York, on which two memorials have been presented, one from the merchants of the city of New York, and the other from the Corporation. I do not wish to be understood as casting any reflection on the opinion of the Secretary of War, or on the respectable committee who has made this report. But before I give a vote on the subject, I wish it could be inquired into more particularly. I could wish that we had previously a statement of the situation of the harbors, and of the sum necessary to protect each port. Before we have this statement, it is impossible for us to decide whether the proposed sum of $150,000 will be competent. I would rather not appropriate a cent, than agree to such a sum as would be a burlesque on the subject.

Mr. THOMAS said the sum was certainly inadequate, and the granting it appeared nearly equivalent to doing nothing. He thought the course pursued in this instance an unusual way of making an appropriation. The common way was to leave sums blank, until after principles were decided, and a bill brought in to carry them into effect. After the principle is settled, that we will fortify our ports and harbors; that we will build a number of gunboats, or seventy-fours, or both, a bill might be brought in, and it would be then time enough to fill up the blanks. In order that this course might be pursued, he would move to strike out "$150,000."

Mr. N. WILLIAMS.—It may seem strange that so small a sum should be proposed by the committee; but when the precise object of the report is considered, it will not appear so surprising. It was not contemplated in the committee that one hundred and fifty thousand dollars would be adequate to the erection of fortifications for the defence of our numerous harbors. It was only considered as adequate to the repair of the present fortifications, and the fitting up of some additional guns. I am not unaware that the subject is one of the highest importance. The fortification of the ports and harbors of so extensive a country is deservedly considered of the first consideration. When we come to take up the subject in this large point of view, we shall not fix our attention upon so pitiful a sum as that now under consideration.

If that be the intention of my colleague, I shall heartily concur in his motion. If, on the contrary, a majority of the Committee think it best, in the first instance, to attend to the repair of existing fortifications, and the fitting up of some additional guns for immediate use, and hereafter to go into a consideration of more extensive measures of defence, I shall acquiesce. At any rate I am willing that the sense of the Committee shall be taken on this question, and for that purpose I second the motion of my colleague.

Mr. ELY.—I cannot conceive it of much consequence whether the sum appropriated be either $150,000, or one million. The only question is, whether we will make any appropriation. Being one of the committee who made the report, I will take the liberty of stating the motives which governed them.

The committee had no particular predilection for the sum stated in the report; for they knew it was in the discretion of the House to modify it as they saw fit. The committee had a conversation with the Secretary of War on the subject. He was pleased to say that there were some ports as well fortified as could be expected in the present situation of the country; but that, in other places, the fortifications were defective and inadequate. He stated that, at New Orleans, the fortifications were very inadequate; that they had gone out of repair, and it was a question whether it were not best to change their sites. He represented that, at Savannah, there were no works, adding that Georgia had made no cession of land to the United States on which to erect them. He stated that, at Charleston, the works had suffered considerably in consequence of tornadoes. He said there were some works at Norfolk; and likewise stated the situation of New York. From his statement it appeared that but little had been done towards the effectual protection of that harbor; and that it was extremely difficult to do anything to protect it against any considerable force that might be brought against it. He stated that there was some protection at Newport; and that, in the Chesapeake, much was not required; and that, at Boston, the harbor was nearly as well secured as it need be. In addition to this conversation, the Secretary gave an estimate of the sum necessary to be appropriated to repair the works which were going to decay. This estimate was from the mouth of the Secretary. I consider this sum as inadequate, and it is my wish that we should not rest on the opinion of the Secretary of War, but decide for ourselves. I believe that great attention ought to be paid to our ports and harbors. I cannot but think it peculiarly proper to protect a place where one third of our whole revenue is collected, and which I believe now might be laid under contribution by a single seventy-four gun ship. How this is to be done, I cannot pretend to say. The thing alarms me in the present state of our affairs, and I think we are called upon to be prepared for immediate defence. On this point there can be no diversity of opinion. I hope, therefore, that gentlemen, who have taken a full view of the subject, will come forward with an efficient plan.

Mr. DAWSON.—The object is to strike out the sum of $150,000, to introduce a larger amount. I am sorry this motion has been made. It is known to you, Mr. Chairman, that more than one million of dollars has already been applied to the defence of New York, provided that State agrees to appropriate the money. It is known to you, also, that many millions have been applied to the defence of our harbors. It is known to you, by the Message of the President, that the most important articles of defence are already in readiness; and that this appropriation is only in aid of another appropriation of $250,000 for gun boats, both being parts of the same system for the protection of our ports and harbors. This estimate

comes from the Secretary of War, who, I believe, is better informed and more disinterested on this subject than any member on this floor.

Mr. EARLY.—I rise to inquire whether a motion for the Committee to rise will not supersede the motion now under consideration? If so, I will make it, and will briefly detail my reasons therefor.

It appears to me, on a view of the subject embraced by the report, that we are not possessed of sufficient detailed information on which to found a correct decision. The report embraces three distinct objects, contemplated as so many parts of one general system of defence. One respecting fortifications; one respecting ships of the line, and one respecting gunboats. I consider these as constituting different parts of one general system. It is true there is but one resolution now before the Committee, and to that I will direct my attention. On that point the Committee are possessed of too little information to form a correct judgment, in my opinion. They have no information of what harbors in the United States are susceptible of fortification; no data on which to decide. It is not presumable that every port and harbor on our extensive line is susceptible of this species of defence. I understand that it is the opinion of some very eminent military characters that the port of New York is not susceptible of defence in this way. But this is not all. Is there any estimate of the expense of such a general system of defence, or of a single port or harbor? There is not. Gentlemen say that their object is, and that it is now the most correct course, to decide the principle of defending our ports and harbors, and afterwards to fill up the blanks. But permit me to ask those who contend for this mode of procedure, whether they are willing, in the first place, to agree to the fortification of our ports, when they have not only no data to determine the expense, but are likewise without any data on which to judge of the efficacy of the measure? After they shall have proceeded in this course for a time, and shall have expended millions, the plan may turn out to be ineffectual, and every dollar laid out be sunk. The situation of our ports and harbors is represented as alarming, as exposing, not only the property of our citizens, but likewise the revenue of the nation, to the lawless depredations of marauders and privateers. This is true, lamentably true! But in proportion to its truth ought we to proceed guardedly; in proportion to its truth ought we to possess data to convince us that the course we take will prove effectual. For myself I take occasion to say, from the little information I possess, which I allow is very inconsiderable, I am opposed to this mode of defence altogether. I believe that it will be ineffectual; that it will afford no solid protection; and that after having proceeded, even to bankruptcy, we shall be as poorly defended as we were before. For these reasons, and because I want data on which to act, and the information of men more capable of judging on such subjects than I am, I move you that the Committee rise.

Mr. DAWSON.—When I called up the report, I should have made an apology to the House for the delay which has taken place in this business, but for the situation in which we have lately been. I trust, now the subject is brought before us, we shall take some effectual measures for rescuing our country from its degraded situation. I know there are some gentlemen in this House, because they have told us so before, who are for doing nothing. I trust, however, their number is very small, and that a great majority will be found ready to do what the exigency of affairs requires. As for the information requested by the gentleman from Georgia, I am at a loss to know for what reason he calls for it. My opinion is that a certain sum should be appropriated to this object, to be expended at the discretion of the Executive. But the gentleman, before he agrees to take this step, requires information of those ports which are defensible. I know of no way in which he can get information, except by converting a committee of this House into a corps of engineers, to go from one end of the country to the other. If a majority of this House are for proceeding at once, according to the recommendation of the President, to the effectual defence of our ports and harbors, they will not agree to any motion whose tendency is to put the measure aside.

Mr. JACKSON.—I hope the Committee will not rise until they have further investigated the resolution under consideration, and I think the reasons assigned by the gentleman from Georgia will, on consideration, be deemed by himself an argument against the motion. It is said that we do not now possess sufficient detailed information; but it is not necessary now to have that detailed information which it may be necessary to have when this business assumes the shape of a bill. We are now engaged in fixing the principle; the details of which will follow afterwards. The interests of the nation call aloud to us to attend to this subject. The cries of our impressed seamen join in the general murmur; our commerce, subject to lawless condemnation under admiralty decisions, calls aloud for our attention. It is high time that the representatives of the nation should deliberate on the subject. Let us then sit from day to day, until we shall unite in effectual measures of redress. Let us no longer be indifferent or inattentive to a subject of more importance than any other that can come before us. Let us evince that unanimity which shall insure success to whatever we propose. Shall we, at such a crisis, be creeping on behind the public sentiment, and looking with indifference on scenes which can no longer be submitted to, unless we resign the independence we have acquired? It is not necessary, at present, to go into details. It is only necessary to say whether we will protect our harbors, erect gunboats, and build vessels to protect our commerce on the seas, and not only to repel aggressions, but to chastise those who offer them. I hope there will be found to be but one sentiment in the House, as there is in the nation, and that we will expend the last cent before we submit to the degradations offered to us. I entreat the Committee not to rise until they have fully

deliberated on the subject, and have formed an effectual plan for obtaining redress.

Mr. DANA.—Seven weeks have elapsed since the President addressed Congress, representing the aggressions made upon the rights of our citizens. During these seven weeks, Congress have not informed the nation of anything they have done; nor have they announced that any one thing will be done for the effectual maintenance of the violated rights of their citizens. Now, in considering this resolution, we are called on to decide on the first point mentioned in the Message; not a mere effect to be produced by paper; authorizing a detachment of one hundred thousand militia; but on a real and substantial defence against foreign Powers. On viewing the Message of the President, it will be seen that we have embarrassments with all the principal Powers of Europe; that we are beset with difficulties on every side. Our ports are insulted, our territory invaded, and our seamen impressed. With regard to the whole of these, the Message affords us no reason to expect a speedy adjustment; and since the delivery of the Message, we have received nothing which justifies a reasonable expectation of it.

"In receiving," says the President, "these injuries from some of the belligerent Powers, the moderation, the firmness, and wisdom of the Legislature will all be called into action. We ought still to hope that time and a more correct estimate of interest as well as of character will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest, of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon, for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable we should have a competent number of gunboats, and the number to be competent must be considerable."

This is the first recommendation made in the Message, and on this point, however on minor topics our citizens may be divided—on this point the President comes forward and assumes a tone and firmness which might well be expected to unite all varying opinions. Whatever divisions may exist among us on minor subjects, we may well expect a general concurrence in measures calculated to defend our rights. Farther: it should be recollected, that Executive power under our Government is of a limited nature. We all know that, to be efficient, it must be sustained by the Legislature. If, then, when the President comes forward, appealing to the Legislature, with all the influence of his name and weight of argument, what will the world think, if you, the Representatives of the people, should shrink from taking the measures necessary for the defence of their rights? I hope we shall not exhibit such an example of hostility to the President of the United States, in a matter so infinitely important to our national character and the maintenance of peace. If you do nothing on this point, it is evident you will do nothing effectual on any other recommended by the crisis of affairs; and you will proclaim to the world that, notwithstanding the millions of which you are plundered, and notwithstanding the loud and just complaints of the violations committed on your rights, you are determined to do nothing. If so, I hope gentlemen will, at least, agree to vote that we are no longer an independent nation.

Mr. NELSON.—It is true, sir, that we have been seven weeks in session, and that we have not decided on any great national question. But if we had been in session seventy-seven weeks, and were unprepared, I should vote against coming to a decision on any question, however important. Is it a reason, because we have been seven weeks in session, without acting upon this subject, that we should now decide blindfoldly on a question of more importance than any which, for a considerable time past, has presented itself for our consideration? Shall we do it merely to gratify a few gentlemen, who are for hurrying us into the adoption of precipitate measures? It is a piece of respect due from one gentleman to another, who is not prepared to vote understandingly on any subject, to indulge him with a moderate allowance of time. One gentlemen has stated, that the Secretary of War made certain communications to the Committee. If he possesses any useful knowledge on the subject, I should wish it communicated directly to the House, and printed; that every gentleman may stand on equal ground. I will ask how many ports and harbors it is necessary to protect? Where they lie? How many men it will take to fortify them, and the number of guns necessary for them? Have we any information on these points? Is any gentleman on this floor ready to say he possesses it? Perhaps the Secretary of War is acquainted with all these details. It is his duty to possess them, and no doubt he does possess them. But I should be glad to have them laid before the Legislature. It is not necessary for me at this time to give an opinion on the proposed measure. It will depend on the information I shall receive whether I shall approve of the expenditure of a dollar. My vote will depend on this. Are the people prepared to expend millions, to guard against that which may be but an imaginary evil? Is our Treasury in such a situation, as to authorize our appropriating millions for the protection of harbors, whose situation we know not? I wish to see the estimates. If the thing can be effected by the expenditure of a moderate sum, I may agree to it; but if the sum required shall be so enormous as not only to eat up our existing revenue, but to require new burdens, I will not vote for a dollar. We know that the House has already appropriated a considerable sum; more than it will probably have at its disposal; and that they have refused to continue a certain tax. I will ask——

Mr. MACON (Speaker) was sorry to interrupt

the gentleman, but he would submit whether, in the remarks he had just made, he was in order.

Mr. NELSON.—I apprehend that in the remarks which I have just made, I have not yet been out of order. If the Committee, or the Chairman say so, I will stand corrected.

The CHAIRMAN.—The gentleman will proceed.

Mr. NELSON.—I say that it is incumbent on us, if we consider ourselves as the true Representatives of the people, before we lay an enormous tax on them, to be sure that it will be of some use. Suppose we appropriate now five millions to the protection of our harbors, &c., and shall be told, after these are expended, that ten millions more are necessary to complete their protection. Are the people of the United States in a situation to pay fifteen millions for this purpose? With the gentleman from Georgia, I am for having correct information before I take a step in this business. If a sum not burdensome to the people will do, I may vote for it; but if the sum necessary shall be so enormous as to subject them to a heavy burden, I will not vote a dollar. The gentleman from Connecticut has brought forward a powerful argument, by asking us if we will not do that which the President recommends to us? How long the honorable gentleman has felt this respect for the President, I know not; but for myself I answer, I would not vote for what I thought wrong, though recommended by the President. If the President should recommend what I think a burden on the people, I should hold up both my hands against it, and his recommendation would be no inducement with me to favor it. So far as I think his recommendation accords with the good of the community, I am for supporting it. When I think it injurious, I must vote against it. I hope the Committee will rise; and I appeal to the candor of gentlemen, whether it is not right and friendly to allow some little time to those who declare themselves uninformed on the subject.

Mr. SMILIE.—I am well pleased the subject has been thus brought before the Committee, as it affords the first opportunity we have had of knowing the opinions of each other on it. I am of opinion that our time will not be ill-spent, in proceeding further in this discussion, although I shall ultimately be in favor of the Committee's rising. Gentlemen were not correct when they told us, that although we had sat seven weeks, we had done nothing with regard to the differences of the United States with foreign nations. I believe we have done something, and I trust that it will prove essential. There is one strong reason on my mind why we should not decide now on the subject before us. This relates to the ground on which we may decide this question. I mean a subject not yet brought forward, [the conduct of Britain,] in relation to which it was my wish to have made a motion before we entered on the business now under consideration. From the issue of that business, we may be able to decide what will be necessary in this. If it shall be thought necessary to go to war, one system of measures will be necessary. If it shall be determined to pursue a different course, a different system will be required. Our minds must remain in a doubtful state until this decision is made. The subject now before us regards principally one nation. What do we complain of? A violation of our neutral rights. And yet that subject is not at present before us. If on that subject we are determined to pursue peaceable measures, our course will be very different from that which would follow from our assuming a warlike attitude. In my opinion it is best that the Committee should rise, and this business be suspended till we shall decide on the ground we mean to take with that nation. I will go farther and say, that it is not my opinion that we are in that unhappy state that will oblige us to go to war with her, and if this shall appear to be the opinion of a majority of the House, it may save us from a great expenditure on the object now under consideration.

Mr. MACON.—I agree with the gentleman from Georgia in the propriety of the Committee's rising. We are called upon for $150,000, and for other sums. In requiring time for information, the gentleman demands nothing which I think unfair, or that can prove injurious. Were I satisfied myself with the report, on so important a question, I would not refuse time to others to satisfy themselves. Do gentlemen mean to make others give votes before they are prepared? Is it proper thus to spend the money of the nation? With regard to the expense of a 74-gun ship, we are furnished on that subject with an estimate. So, with regard to the expense of fortifying our ports and harbors, may not the Secretary of War give a similar estimate? It would not, it is true, be binding upon us, but it would be the information of a man whose duty it is to be well informed on the subject, and who I believe to be well informed. Let him give us this information, and we shall then be well enough informed to judge for ourselves. Let us see the whole length of the route before we begin the journey; before we undertake it let us be satisfied we can perform it. In this way we shall take the most direct course, and the business will be sooner done than by voting on it at present. The Committee have given us an estimate of the expense of building a seventy-four. On this subject there is a difference of opinion, so also is there with regard to defending the port of New York. On this point the head of the War Department may be able to decide. He probably may have had an examination made into the possibility of defending it. He may possibly be of opinion, that it may be defended by fortifications supported by a naval armament. Before, however, we take any steps, I hope we shall get all the information we can. I have seen such a crisis as this before; and if the statute books be consulted, it will be found that at least seven weeks were then suffered to elapse before anything material was done. I am not of opinion that it is sound policy to pass laws as fast as we can. On the contrary, I believe the less legislation the better. As to the recommendation of the President, I agree with the gentleman from Maryland. I am not sent here to obey his mandates, or to carry into effect what he recommends; but to obey the judgment which God

gave me, and that I shall do whoever is President. Is the $150,000 contemplated only as an entering wedge into this business? The same thing was attempted once before; but, then, to use an appropriate expression, the thing would not maul. I hope the Committee will rise, and the subject be recommitted. I hope the select committee who brought in this resolution will agree to this course. They have had a full communication with the Secretary of War on it. If they are satisfied, charity and good neighborhood should induce them to allow the same privilege to others; particularly as it is agreed that this subject is of more importance, and may interest the people in a higher degree, than any other which can come before the House this session.

Mr. Dawson.—An appeal is made to our candor, which I am sorry I am unable to comply with, and which, it seems to me, the gentleman who has just spoken, has but little reason to make. Every gentleman of the House will recollect that on the first topic of the Message, the honorable gentleman declared that he was not for doing any thing, and yet he now calls for information. I do presume that this information can have no influence on his mind. To what, then, are we to ascribe his desire for it, but from his wish that nothing may be done?

The gentleman from Maryland (Mr. Nelson) says that if the sum required for the defence of our ports and harbors will be enormous, he shall be against it, but if otherwise, he may be in favor of it. That gentleman will see in the resolution that the sum contemplated to be expended is only $150,000, and that therefore it can operate no additional burden on the people. These words, indeed, sound very well; gentlemen may talk of burdens imposed on the people, but they know that this measure cannot produce any new burdens.

Mr. Macon.—When I was up before, I explicitly said that I should confine myself to the question under debate. I have no objection to say that I am against the resolution; not meaning, however, to say that facts, which may be at present unknown to me, may not induce me hereafter to alter my opinion; but I confined myself to the resolution under consideration.

The Chairman remarked that gentlemen must confine themselves to the question before them.

Mr. N. Williams.—Having been on the committee who brought in the report, and obtained satisfactory information myself, I should be very sorry to deny the same information to others. Indeed, the turn of the discussion seems to require more information. As I before said, the committee did not go into an extensive view of the subject. They thought it only necessary at present to provide for the repair of decayed fortifications, and the fitting up some additional guns. The sum reported was not with a view to erect new fortifications. This every one will perceive to be unattainable by so small an appropriation, when he considers the numerous ports and harbors in the United States.

Mr. G. W. Campbell.—I would not trouble the committee with a single word, were it not for the impression attempted to be produced, that those who call for information wish to do nothing. I hope that the members of this committee who differ from other members as to proper measures to be pursued, will not therefore be considered less friendly to maintaining our rights, or as less ready to protect them. I hope that merely because seven weeks have elapsed, without adopting any effectual measures, we shall not be considered as hostile to their adoption. I believe, with some gentlemen who have already expressed their sentiments, that we have not sufficient information to act upon. The only question is, whether we shall appropriate a sum of money for the protection of our ports and harbors. It is not whether we shall protect them, as that is already provided for by law. By an act passed in the year 1794, the President is authorized to protect certain specified harbors. Before I make an appropriation, I wish to know what has been done under this law; and to know the opinions of well informed persons as to its effect. If, on correct information, it appears that they can be protected by the appropriation of a reasonable sum, I have no objection to grant it; but I am not prepared to say $150,000 will answer any reasonable purpose.

Mr. Cook.—Although I am in favor of the resolution, yet I am also in favor of the Committee rising, as I believe the information we shall receive will unite every member of the House in favor of it.

Mr. Smilie said he just rose to explain some remarks which had fallen from him, that had been misunderstood. When he alluded to a particular business, he had reference to nothing of a secret nature. Some time since a subject (relative to the invasion of neutral rights by British cruisers) was referred to the Committee of Ways and Means, which ought, in his opinion, never to have been referred to that committee. It involved a great national question, which was properly the province of a Committee of the Whole on the state of the Union. From the deranged state of the Committee of Ways and Means, three members being absent, nothing could be done in the business. His wish was to discharge them from the further consideration of it.

Mr. Dana.—If I understand the subject in the same light with some gentlemen who have expressed their sentiments, I should agree to the rising of the Committee. They consider it as a question of the sum which we shall now appropriate for the defence of our ports and harbors. I consider it as the simple question, whether we are disposed to appropriate anything towards that purpose. With regard to the proper sum to be appropriated, I allow that we want information. I admit that we want information, not only on this subject, but likewise on some others of no small importance. But I consider this Committee as having now the general principle before them, and I did suppose, that on the general principle we should all agree. I applaud the independence of the gentlemen from Maryland and North Car-

olina; holding the opinions they do, their conduct is certainly correct. But when the President recommended the taking a firm and manly attitude, I did consider his recommendation a strong argument for the prompt co-operation of the Legislature. For, in whatever different lights different gentlemen may be disposed to consider the character of the Executive, even his enemies have never charged him with a disposition to take measures of too warlike a nature. But it is said we have not funds. The President, however, has informed us, that after meeting all the ordinary demands of the Government, a million will remain unappropriated. We have heard in this debate of millions appropriated, but I may say, no millions have been appropriated. The only appropriation we have made, is to supply the deficiency in the naval appropriation for the last year. I have been charged with saying we have done nothing. I did not say we have done nothing, I only said we had not published anything which we have done——

The CHAIRMAN called to order.

Mr. DANA said a few words more against the rising of the Committee, observing that the most decisive argument, perhaps, in favor of the motion, was their having passed the usual hour of adjournment.

Mr. ELMER.—Though the usual hour of adjournment is at hand, I hope the Committee will not rise. I am always for giving information when it can be of any use; but on a general principle like that under consideration, we surely cannot want information. The only question before us is, whether we shall adopt one feature of national defence, by fortifying our harbors. The committee have proposed three modes of defence, of which this is one. Gentlemen say it is necessary to know what particular harbors are susceptible of defence. But surely they may say whether they will do anything, before they are acquainted with all these details. It is only the abstract question, whether we will do anything, that is now before us.

Mr. FISK.—I hope the Committee will rise. I was one of the committee who brought in the report, and am in favor of the resolution now under consideration. I think unanimity desirable on this subject, and although we have been seven weeks here without acting upon it, yet I think it best to delay it for a short time, to insure that unanimity which will be an efficient instrument in our favor. I am not prepared to say we have done nothing. I am not prepared to say that to authorize a detachment of one hundred thousand militia is a mere thing on paper. I am prepared to say that if our enemies should invade us, we are able to drive them out of Canada, Nova Scotia, the Floridas, and every foot of ground they hold on the continent. I hope that the Committee will rise, and that every source of information will be explored, that we may insure the unanimous vote of the House.

The question was then taken on the rising of the Committee, and carried—yeas 86.

The Committee now accordingly rose, and the Chairman reported that they had come to no resolution.

Mr. EARLY moved that the Committee should be discharged from the further consideration of the report, with a view of referring it to a select committee, with instructions to make the inquiry he had stated.

Mr. J. C. SMITH suggested that the most correct and usual course was for the House, and not a select committee, to call on the President for information.

Mr. EARLY declared himself obliged to the gentleman for his suggestion, and withdrew his motion, with the view of moving in the House the resolution to the effect he had stated.

WEDNESDAY, January 24.

A petition of sundry inhabitants of Washington county, in the Mississippi Territory, was presented to the House and read, praying the right of pre-emption as occupants of certain public lands, in the said Territory, which they have severally improved and settled.

Also, a petition of sundry inhabitants of Washington county, in the Mississippi Territory, praying a donation of lands for the education of youth, in the said county; that all surveys of the public lands, required by law, may be made at the public expense; and that persons holding certificates, of certain descriptions, for lands, may, under proper restrictions, be entitled to receive patents therefor.

Ordered, That the said petitions be severally referred to the Committee on the Public Lands.

Mr. LEIB, from the committee appointed on the fifth ultimo, presented a bill supplementary to an act, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was recommitted on the twentieth instant, the bill to extend the time for taking the oath and giving bond in case of drawback, and for other purposes, reported an amendatory bill; which was read twice and committed to a Committee of the Whole on Monday next.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That the Clerk of this House be directed to pay, out of the contingent fund, the sum of two hundred dollars to the Sergeant-at-Arms, and two hundred dollars to the Doorkeeper and Assistant Doorkeeper, each, as a compensation for their extra services, during the last session of Congress.

Ordered, That the consideration of the said resolution be postponed until Monday next.

The House proceeded to consider the amendments reported by the Committee of the Whole on the twenty-second instant, to the bill to extend jurisdiction in certain cases to the State judges and State courts; and the said amendments, being twice read at the Clerk's table, were agreed to by the House.

The bill was then further amended at the Clerk's table, and, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

Ordered, That the committee to whom was referred, on the fourth of December last, sundry petitions and memorials from the Mississippi Territory, be discharged from the consideration of so much thereof as relates to the lands of the United States; and, that so much of the petitions and memorials aforesaid as relates to the lands of the United States, be referred to the Committee on the Public Lands.

Mr. GRAY offered the following resolution, which was ordered to lie on the table:

Resolved, That any member of this House, who shall in future accept of, solicit, or enter into any contract for the expenditure of any money appropriated by law for the service of the United States, shall, in consequence thereof, be disqualified from a seat in this House.

The House went into Committee of the Whole on the bill declaring the assent of Congress to an act of the State of South Carolina, so far as relates to imposing a duty on tonnage by the City Council of Charleston.

Mr. MARION supported, and Mr. CROWNINSHIELD opposed the bill; when the Committee rose without coming to a decision, and obtained leave to sit again, to allow time for printing some documents illustrative of the subject.

DEFENCE OF PORTS AND HARBORS.

Mr. EARLY.—I rise to comply with the promise I made yesterday. I have waited some time before offering this resolution, in the hope that the gentleman from Virginia (Mr. DAWSON) might have taken his seat in the House. I regret that he has not taken his seat; as I should wish him to be present at the time of offering the resolutions which I now hold in my hand, and which I will read:

Resolved, That the President of the United States cause to be laid before this House any information which may be in possession of the Executive Department, relative to the state and condition of the fortifications which may have been erected within the several ports and harbors of the United States; and also the amount of moneys which has been expended on each, as well as the probable expense of completing the same; and also any information of which said Department may be possessed relative to the practicability of defending, by land batteries, such ports and harbors as have, by any former law, been directed to be fortified.

Resolved, That the President cause to be laid before this House a statement exhibiting the amount of money which has been disbursed on account of the navy in each year, since its establishment, and stating particularly the cost of each frigate.

Before I offer these resolutions, I will take the liberty of making a few observations in explanation of some things said by me yesterday, and the replies made to them by several gentlemen. I observed that we were not possessed of that kind of information on the subject-matter of the resolution then under consideration, that would enable us to form a correct and judicious decision on it; that we had no data on which to estimate the expense of the proposed measures, or their efficacy, if adopted. When I took the liberty of intimating a doubt of their efficacy, I did not mean to be understood as doubting the physical possibility of so fortifying our ports and harbors by land batteries as to afford them an effectual protection. But I meant to say that such was their physical situation as to require a quantum of revenue beyond the resources of the nation. I have no doubt but that it is completely in our power to defend New York and our other harbors, if we only possess the pecuniary means. I have no doubt that we might, with ease, make a Cronstadt of it, but I doubt whether any gentleman of the House could be prepared to adopt the principle which has prevailed at Cronstadt and other places, and to the extent to which it would carry us. I doubt whether any gentleman would be prepared to adopt the course pursued by the French Government, with regard to Cherbourg, and along her coast; a course which, after the treaty of Amiens, they were obliged to suspend, from the inadequacy of their resources.

I beg leave to state one or two other additional things. When I suggested the propriety of obtaining information, it was said, that my object was evidently procrastination; that it was unbecoming in the House, after so much time had been already consumed, to attempt further procrastination; for the sentiment of the nation was before us; it dictated our course, and if we hesitated to pursue it, the public indignation would light upon us. In my opinion, all that can be deduced from what has been denominated the sentiment of the nation, in this and other cases, is this: that in this country, where the Government and the nation are the same, the nation will repose its confidence in the Government, and pledge themselves to support those measures which the Government may adopt. All, then, that follows is, that the nation will repose its confidence on this, as on other trying occasions, in the Government. But does it follow that, because the nation reposes unlimited confidence in this Government, that the latter is to rush blindfoldedly into measures without a mature consideration of them? On the contrary, I apprehend, in proportion to this confidence, there is a responsibility in the Government not to abuse it; and, notwithstanding the high degree of confidence reposed in this instance in the Government, we ought not to doubt, because the experience of former times proves it, that when this confidence shall be abused, the people will revoke it. In my opinion, at this time, we are more bound to be cautious in exercising the powers reposed in us, than those who, in former times, held the reins of Government; because they had not the experience that we have, and because the lesson exhibited on that occasion, shows that confidence, improperly used, will be withdrawn by the people. Do gentlemen mean to be understood as intimating that it is our duty, without inquiring into the extent or the grounds on which we proceed, to embark headlong into any measures which the

President may recommend, and which they may consider the confidence of the people pledged to support?

With regard to the second resolution, I will add a word or two. The report on which this discussion is founded, although I believe not so intended, is calculated to be, as I apprehend, a decoy. If we adopt it, we shall first begin with a small appropriation, and we shall afterwards be called upon to go the whole length that shall be deemed necessary to carry the measures we shall have taken into full and complete effect; and we shall be told, unless we appropriate enough money to carry them into this full and complete effect, all that we have done will be lost. Sir, we have some warning monuments against pursuing such a policy. If I am not mistaken, this very House in which we legislate is one of these warning monuments; the fortification of our ports and harbors is another; and, unless I much mistake, the appropriations which we have heretofore made for our naval armaments is also an awful warning. It is to guard against being decoyed into such a conduct that I now offer these resolutions. It is, that we may see the whole ground before us; and that, in the language of the honorable SPEAKER, we may see the whole extent of the road. It is true, the Committee has given us the estimate of the cost of a seventy-four gun-ship. An estimate! yes, sir, a naval estimate! And is it come to this? after the experience of this country in naval affairs, that this House is to proceed on a naval estimate. I hope not; I hope we shall have something more substantial; that we shall have the actual cost, and not a mere estimate.

Mr. J. C. SMITH.—As the House is not much pressed in point of time, it is not, perhaps, to be regretted that the honorable gentleman has, on this occasion, given us a long speech; but it is to be regretted that he did not feel the want of information at an earlier period of the session.

Mr. DANA.—It is unfortunate that the honorable gentleman from Georgia should assume a cause either too feeble to be sustained, or that it should be addressed to a body that he imagines incapable of feeling the force of argument. I presume that, in deciding on measures in this House, the motives of particular gentlemen are not to guide our deliberations; but the intrinsic merit of the measures themselves, and if they can be supported by strong and fair argument, no gentleman would think of appealing to our passions for their support. Whatever may have been my opinion on the general course of measures pursued by the present Administration, is not now the question. The only inquiry proper for us to pursue, relates to the merits of the proposition before us. On the general subject of information, if the gentleman really desires to obtain it, there can be no exception to the call, however we may regret its not having been made earlier. When we, yesterday, considered the report, it was in the general principle whether *any* fortifications should be erected or repaired, without undertaking to say to what extent the business should go. I think we have abundant information to justify our voting on this principle, although, when we descend into the details, we may require more particular information.

Mr. EARLY.—I have but a word of reply to the gentleman from Connecticut, who first addressed you, who has expressed his regret at my not having made an earlier call for this information; and that is, that I have made the call as early as the subject-matter of the report came into discussion. It was never before yesterday discussed, and, at the earliest period of the debate, I avowed my want of information.

[Some conversation here took place between Messrs. D. R. WILLIAMS, CLARK, and CROWNINSHIELD, on the amendments subsequently made in the details of the resolution.]

When Mr. DAWSON said that, not being in the House at the time these resolutions were offered, he regretted that he had not heard the reasons assigned by the mover in support of them. He must, however, be permitted to observe, that it was made the annual duty of the Secretary of the Navy, which duty he performed, to lay before the House these several items of information, called for by the resolutions. He could therefore only consider delay as the effect they were calculated to produce. The simple resolution before the committee yesterday was, do the ports and harbors of the United States require protection? Has not every gentleman declared this to be the fact? Has it not been enforced by every paper in the United States? Does not every day's mail bring us the public sentiment? and is it not likewise enforced by the first authority in the nation? The general necessity of the measure can, then, admit of no doubt. The next question, then, is, is the sum recommended by the committee too large? I believe, said Mr. D., every gentleman will concur with me in opinion, that it is much smaller than was expected. If these are facts, what can the object be, but further delay? It can only be one of two alternatives, either to carry the resolutions calling for information, and thereby from the time which will elapse before it can be received, to give the whole business the go-by; or it must arise from a want of confidence in the Executive in the disbursement of the moneys appropriated. I say the object must arise from either one or the other of these two causes. I hold it my duty here to state that the committee, on their first meeting, directed their chairman to write to the Secretary of War and the Secretary of the Navy for information to guide their decisions. The Secretary of War informed us that the inquiry we called for could not be given in less than seven or eight weeks, and I venture to affirm that, if the resolutions are agreed to, the subject will not be taken up again for that length of time. Is this the wish of gentlemen? I trust that, if it is their wish, a majority of this House will be found to hold different opinions, and will be in favor of proceeding without delay, in a business so interesting to the public welfare.

Mr. D. R. WILLIAMS.—As far as I, a fallible man, can understand the infallible ideas of the gentleman from Virginia (Mr. DAWSON) I must

disclaim the motives he ascribes to the friends of these resolutions, and declare my total ignorance of any gentleman being influenced by them. Surely that honorable gentleman is not so devoid of charity, as to wish me to vote blindfolded on a subject which he allows to be highly important. What are the verbal communications of the Secretary of War to me? They may have been satisfactory to the committee who heard them; but they surely cannot enlighten those who are altogether unacquainted with them. I hope we shall not proceed with a degree of precipitation that will oblige us to act blindfolded.

Mr. EARLY.—The gentleman from Virginia has told us that the very information we now call for, as far as it applies to the first resolution, was verbally given by the Secretary of War to the select committee. The gentleman from Virginia could not have offered a more forcible argument for adopting the resolution. What! Is this House to decide on the private information of a head of department, given to a committee, when that information too is verbal? Is this the way in which the funds of the nation are to be pledged to an incalculable extent, in the furtherance of measures, whose success is at best problematical? I presume not. Before they are adopted, we ought to be possessed of official documents; and if, after we have acted on the information we have received, we shall find it incorrect, we shall know whom to blame, and on whom to fix the responsibility. But would that be the case, when information was verbally given by a head of department to a committee and verbally delivered by that committee to the House? Surely not. Was it ever heard of, that the House should act in a measure of such magnitude on the verbal communications of the head of a department, verbally delivered to the House?

Mr. DAWSON said, the gentleman was mistaken in point of fact. He had not said a word against the resolution.

Mr. EARLY begged pardon for his mistake. He had, however, always understood a gentleman to be opposed to a motion when he spoke against it.

After amending the resolution, by adding after the words, within the United States, "the territories thereof," it was agreed to—ayes 88; when the second resolution, was also agreed to—ayes 81, after inserting in lieu of frigates, "armed ships or other vessels built or purchased on account of the United States," and adding to the resolution, "and also the amount of moneys that has been expended on each navy yard."

A committee of two members was then appointed to present the said resolution to the President.

Mr. ELLIOT.—I am very happy at the prospect of attaining the information called for in the resolution of the gentleman from Georgia, and I hope, before we have a final decision on the report of the select committee, we shall obtain some further information. Annexed to the report of the committee, I find the estimate of the Secretary of the Navy, of the expense of building a 74, and keeping her in service, and an estimate of the like kind relative to gunboats. This information is very valuable, as far as it goes. I do not perfectly agree with the gentleman from Georgia, as to the intrinsic value of a navy estimate. But I believe we ought to go on more solid ground than a navy estimate; and when our selection is to be made from various plans of defence, it is proper to obtain an estimate of the relative expense of each. It may, possibly, be the intention of a majority of this House, to vote several millions for the building of 74's—while they are disposed to suffer our present naval armament to remain idle. This may be the view of a majority of this House, but I am not yet convinced that it is. There appears to me to be a chasm in the details called for, to fill which I move the following resolution:

Resolved, That the Secretary of the Navy be directed to lay before this House estimates of the expense of repairing, and of the annual expense of manning, and of supporting in actual service the whole of the frigates and smaller vessels of war belonging to the United States.

This resolution was agreed to without a division.

Mr. DAWSON said, that believing the information called for in the resolution just agreed to, could not be had, without the previous lapse of a long time, and considering the state of the country, he held it his duty to move that the House should again resolve itself into a Committee of the Whole on the state of the Union.

This motion having prevailed—ayes 60—Mr. GREGG took the Chair.

The CHAIRMAN stated, that when the Committee before rose, the resolution under consideration was for appropriating $150,000 for the better protection of our ports and harbors.

Mr. THOMAS renewed the motion to strike out this sum, in order to leave it blank.

Mr. CONRAD said he was at a loss to know how to act in this business. A few minutes ago we agreed to a call for information, and now we are required to give a vote in the dark. It was impossible for him, under these circumstances, to act understandingly on the subject. He must, therefore, move that the Committee rise.

Mr. SMILIE hoped that the Committee would rise, and that the business would be postponed for some time. He thought, from the beginning of this business, they had been proceeding incorrectly; that they should be going on in measures of protection, before they determined on the propriety of resorting to warlike measures, appeared to him to be beginning with the wrong end of the business. If they determined on peaceable measures, there would be no necessity for gunboats, or the defending our ports and harbors. If, on the contrary, measures of war were adopted, or such measures as would lead to war, there might be this necessity.

I do not said Mr. S. certainly know, but, as far as I have conversed with the members of this House, there is not a disposition to go to war. Why, then, pursue war measures? I hope the House will not be of opinion, that war is neces-

sary; and, if so, what reason is there at present for adopting warlike measures? Why go into details, whose fitness must depend on higher measures? When I say this, I assure the gentleman, if it shall be necessary to take measures of war, or measures leading to it, I shall be willing to adopt effectual measures One thing is certain. That if we take such measures, we must go much further than the report of the select committee. Before this great question is decided, the determination of all subordinate matters will be useless. I therefore think it best that the Committee should rise, and that the subject now under consideration should be laid asleep for some time.

The question being taken, the Committee agreed to rise; when the Chairman reported, that the Committee of the Whole House had had the state of the Union under consideration, and had come to no resolution thereon.

And on motion, the House adjourned.

MONDAY, Jannary 27.

Mr. SLOAN, from the committee appointed on the twenty-second instant, presented a bill laying a duty on slaves imported into any of the United States; which was read twice and committed to a Committee of the Whole to-morrow.

The House proceeded to consider a motion of the twenty-fourth instant, in the words following to wit:

Resolved, That the Clerk of this House be directed to pay, out of the contingent fund, the sum of two hundred dollars to the Sergeant-at-Arms, and two hundred dollars to the Doorkeeper and Assistant Doorkeeper, each, as a compensation for their extra services during the last session of Congress.

Ordered, That the said motion be committed to Mr. LEIB, Mr. FISK, Mr. TRIGG, Mr. SEAVER, and Mr. THOMAS.

On motion, it was

Resolved, That the Secretary of the Navy be directed to lay before this House a report on the condition of the frigates and other public armed vessels belonging to the United States, distinguishing the frigates fit for actual service; distinguishing such as require repair, and the sum necessary for repairing each; and distinguishing, also, such as it may be the interest of the United States to dispose of rather than repair.

A petition of sundry persons holding property in the western part of the City of Washington, in the District of Columbia, and residing therein, was presented to the House and read, praying that Congress may reject every application for leave to build a bridge across the river Potomac. Also, a petition of sundry inhabitants of Georgetown, owners of property in the western part of the City of Washington, in the District of Columbia, to the same effect. Also, a petition of sundry inhabitants of the counties of Montgomery, Frederick, Washington, and Allegany, in the State of Maryland, to the same effect.—Referred.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred, on the twenty-third ultimo, the memorial of the Philadelphia Chamber of Commerce, reported a bill declaring the consent of Congress to an act of the State of Pennsylvania, entitled "An act to empower the Board of Wardens, for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned;" which was twice read and committed to a Committee of the Whole on Wednesday next.

An engrossed bill to extend jurisdiction, in certain cases, to State judges and State courts, was read the third time, and passed.

The House proceeded to consider the bill which lay on the table, to repeal the act to authorize the receipt of evidences of public debt, in payment for the lands of the United States, and for other purposes, relative to the public debt, as reported by the Committee of the whole House, on the sixteenth instant, without amendment: Whereupon, the said bill was amended at the Clerk's table, and, together with the amendments, ordered to be engrossed and read the third time to-morrow.

DETACHMENT OF MILITIA.

An engrossed bill authorizing a detachment from the Militia of the United States was read the third time.

Mr. TALLMADGE, of Connecticut, said he had never recollected an instance, since he had been honored with a seat in that House, when a question of equal magnitude with the present, had passed on, from the report which was first made, to the third reading of the bill, and there had scarcely been a remark submitted to the House to elucidate or justify the measure. We have before us a bill of no trifling import; it provides for organizing, arming, and equipping, a military force of one hundred thousand men, and it appropriates two million of dollars to enable the Government to bring this force into the field. Now this bill contemplates some serious intentions on the part of the Government, or else it is a solemn mockery, a mere political farce. At any rate, we shall hereby, if the bill passes into a law, lock up two million of dollars in the Treasury, which must remain appropriated, and sequestered from any other use, however urgent and pressing the calls of our country may be from any other quarter. Under the present aspect of this bill, as it has been presented to my mind, I shall be constrained to give it my unequivocal negative, unless some gentleman shall be able to remove my objection against its final passage. I, therefore, take the liberty to call on the honorable chairman of the committee, who reported the bill, (Mr. VARNUM, of Massachusetts,) to state to the House the reasons which induced him to submit the bill now under consideration, and to request of him, for my particular information, to answer the two following queries, viz:

1st. What special objects are to be answered by the passage of this bill?

2d. What effect will such a law have upon the militia systems of the different States in the Union?

I make these inquiries of the honorable gentleman from Massachusetts, who reported this bill, from a knowledge of the high station which he holds in the militia of that State; and from a hope that he has fully weighed all the relative bearings of this bill, with the advantages and inconveniences thence resulting, that he may be able to confirm the wavering, and to satisfy those who doubt respecting the provisions of this bill.

In the public Message of the President of the United States, communicated to Congress on the third of December last, we are informed that spoliations are committed on our commerce and our seamen are impressed on the high seas; while aggressions and insults are offered to the citizens of the Territories of Orleans and the Mississippi, by the regular officers and soldiers of the King of Spain. Some of these injuries may admit of peaceable remedy, but some of them are of a nature to be met by force only, and all of them may lead to it.

From the fullest examination I have been able to make of this public document, (and I lay no claim to private communications,) I can discover but one point on which this great military force can be brought to bear. Is it possible, then, Mr. Speaker, (and I do hope that the honorable chairman will give us an answer to the inquiry,) is it possible, I say, that an apportionment must be made on all the militia of the United States, from Georgia to the District of Maine, that the President of the United States may be enabled to repel an invasion, or chastise an insult offered to our citizens within the district of Orleans? If this be not the object, the inquiry returns with redoubled force—what is it? Or, are we to conclude that all this parade and expense is to form an army on paper, and to hold out to the world the high sense we entertain of our national honor and dignity, and the promptitude and vigor with which we are ready to defend it? Can it be possible, sir, that gentlemen can be serious in offering this preposterous parade of military defence, when the recommendation of the President, and the voice of our country, call so imperiously for something more efficient? Will the European Powers believe that you are in sober earnest, when they shall read the provisions of this bill? Will the people of our own country be satisfied with this kind of military farce? The former, I am persuaded, will not be deceived by it; the latter cannot fail to be disgusted with this pitiful parade. Whatever may be my opinion of the military defence which our present circumstances call for, it is hardly proper for me now to discuss that question. If the difficulties and objections which so forcibly press upon my mind can be obviated, notwithstanding my general doubts of the efficacy of this measure, I shall vote for the bill on your table.

If I can be convinced that this measure is proper and necessary, if it will add anything to the real defence of our country, I shall be one of the last men in this House to refuse it any support.

I ask again of the honorable Chairman, and hope he will give us an answer—What effect will this law have upon the militia systems of the several States of the Union? By the bill on your table, this body of one hundred thousand militia is called a detachment. Now, a detachment of men, according to the ideas which I had obtained in the Revolutionary war, I have always considered as a body of men set apart or detached for a special purpose, and not liable to be assigned to any other duty until that service was performed.

I ask again of the honorable gentleman, how far such a detachment is to be considered as sufficient for the period contemplated by the bill, and what will be its effects on the remaining body of the militia? In the year 1797, when a similar detachment was made and apportioned upon the several States, it was held out as an encouragement to those who should volunteer, as well as those who should be draughted for the service, that they should not be called upon to perform other military services during the period for which they were so engaged. The consequences which resulted from the measure were very injurious. The principles of obedience and military subordination in this draughted corps were very much laid aside, and as they were not obliged to appear on the usual muster days, they lost in a great measure their discipline—their arms, and their uniforms, through neglect, became also unfit for use. These consequences resulted from the scattered situation of those draughted militia, whose officers could not convene them for discipline without great trouble and expense. There is another consideration which has weight, in my mind. During the period for which this detachment is to be held ready for service (two years) a great portion of the men will have changed their condition very materially. Some in the ordinary course of human nature will have died—others will remove to different and distant places, so that it will be impossible, on any emergency, to assemble them. I would appeal to the honorable gentleman from Massachusetts, who advocates this measure, if he should be appointed to command the detachment from Massachusetts, (and I confess I do not know a more proper person for the purpose) whether he, as a military man, would venture to assure the Executive that he could parade this formidable corps in the space of twenty or even thirty days from the time of receiving notice that their service was needed? Nay, sir, even in case of an invasion, would he not be better able to march the whole division of militia, which he now commands, in the space of two days, toward any given point of attack, and with more effect than he could collect and march the detachment aforesaid in ten times the same period of time.

Again, sir, I ask what necessity there is for this bill? By an act, passed the third of March, 1803, eighty thousand militia were put in requisition, and held subject to the orders of the President of the United States. It will not be pretended that this is not a force adequate to the exigencies of

our country, where it has been threatened. Why, then, are we called upon to enact a new law to authorize this additional detachment, when the law, before quoted, is in full force, and adequate to all the purposes of national defence; at least so far as such a detachment can be called an efficient force? If it should be said that there would be no money appropriated for the purpose, I need not remark that provision can be made in the general appropriation law to meet this object.

If, indeed, this is intended to be a mere paper thing, a formidable force without any real existence, the proposition is too despicable to need a serious reply. I have never been taught to believe that military operations were to be carried on in this way; nor is it by such means that your Government can be made respectable abroad, or your citizens efficiently protected at home.

Mr. T. was scarcely seated, when the question was called for by one of the Representatives from the State of New York, (Mr. THOMAS;) and, Mr. VARNUM, showing no intention to rise, the SPEAKER was about to put the question, when

Mr. DANA rose and said, he had no disposition to burden gentlemen with questions, when they manifested so little readiness to answer those already put to them. He must, however, be permitted to inquire, why the non-commissioned officers of the proposed detachment were to be denied the pay allowed by law to the militia in general, if called into the actual service of the United States? The bill places the detachment on the same establishment with the Army of the United States as to pay and emoluments. Yet there exists a law applicable to the whole militia, which provides particularly for their pay at the rate of six dollars and sixty-six cents per month for the privates. The act was passed in January, 1795, and is to be found in the third volume of the Laws of the United States. I trust I have the right to hear the act read, notwithstanding the promptitude with which the question has been called for. I call, sir, for the reading of the act.

[The Clerk read the three first sections of the act.]

Mr. VARNUM, of Massachusetts, then rose. He said it was difficult for him to enter into all the details, which the questions of the gentlemen implied; it depended upon the situation of the different parts of the country, whether the objections of the gentleman from Connecticut (Mr. TALLMADGE) were applicable. It was not necessary, from the provisions of the act, to cull this out of the great body of the militia of the United States. That in Massachusetts it did not exempt from militia duty in the year 1797. They were only selected and officered, and ordered to be equipped and in readiness to march at a moment's warning. They afterward returned to their ranks and were held to do duty there, in the same manner as if they had not been detached. If the argument of the gentleman was correct relative to a detachment, all the militia of the United States might be undisciplined, as the President had a right to call out the whole. As to the objection made by the other gentleman from Connecticut, (Mr. DANA,) there was some difference in the pay proposed to be allowed by this bill, to the militia, which should compose the detachment, but it was not much less. The difference was small, from that allowed by the existing law. Mr. Chairman, the President has told us of dreadful depredations upon our commerce, and of insults and inroads upon our territories; that our seamen and fellow-citizens are impressed, and ill-treated in a most cruel manner. It becomes us, sir, to take some measure suitable to the occasion, unless we mean to show the world that we possess a servile and degraded spirit. And, in my opinion, this is that measure.

Mr. CHITTENDEN, of Vermont.—Mr. Speaker, what may have been the practice under the law authorizing the former detachment from the militia in that part of the Union, spoken of by the honorable gentleman from Massachusetts, (Mr. VARNUM,) I will not undertake to say; but, in the State which I have the honor to represent, and particularly in that division in which I reside, a different construction was given to the law authorizing that detachment, and a very different course was pursued.

It was there considered that the detachment when made, being under the command and direction of officers selected or appointed for that purpose, could not be subject to the command of their former officers, nor liable to perform the ordinary military duty in the companies from which they were detached. And, sir, this was held out as an encouragement to those who would volunteer in that service, that, although they were liable to be called into actual service, for which they would receive a compensation, they would not be liable to perform the ordinary military duties in the companies from which they were detached. If, sir, any necessity exists for an efficient armed force for the protection of our country, I am perfectly prepared, and, I presume, as willing as any gentleman in this House to grant such aid to the Executive of the United States, as may be amply sufficient to meet any expected invasion, or to support any measure that has the protection or honor of the nation for its object. Neither, sir, am I wanting in my confidence in a well organized militia of our country; but it is from a conviction on my mind that the whole military force of any portion of the United States might be brought into the field to repel any invasion with more facility and with much less expense than the same number of the proposed detachment; one brigade, or at least one division of which might comprehend a whole State.

From their dispersed situation it would be almost impossible that such attention should be paid to their arms, equipment, and discipline, as to render them an efficient force for the protection of our country. This is the reason which operates on my mind against the proposed measure. It is not from an opposition to any measure that shall have for its object the better organization of the militia, but from a well-grounded belief that the bill now on your table will have a

direct tendency to disorganize and diminish the power which the Executive of the United States has, by the existing law, (the law, a repeal of which is contemplated by this bill,) to call out a sufficient force to answer every object which the exigencies of our country may require, that I am decidedly opposed to the passage of the bill now under consideration.

Mr. VARNUM, of Massachusetts.—When I was up before, it was my intention to have stated that the motive for passing this act was an appropriation; that which is contained in the law, the repeal of which was contemplated, having expired by a general provision of law, which makes all appropriations terminate at the end of two years. The committee in paying attention to the old law found that it was permanent, and they thought it more conformable to the Constitution, that all laws creating a military establishment should be temporary. The other provisions of the bill, directing the President to make the apportionment on the different States, was thought to be a more equal and just mode of raising them, rather than as the present act provides to raise them in any part of the United States at his discretion.

Mr. QUINCY, of Massachusetts, said, that the reason given by his colleague, (Mr. VARNUM,) for passing this bill, "that we ought to show in 'the present state of our country, that we do 'not possess a servile degraded spirit," was a principal reason with him against the bill. He believed that if, after all the evidence this House had received of the temper of the people, and of their expectations of efficient, real measures of defence, such a bill as this was to be the first fruit of a seven weeks' deliberation, it would, indeed, indicate that our spirit was servile and degraded—at least, that such was the spirit of this House. And, indeed, in fact, its spirit was, in his opinion, far below the temper and spirit which prevailed in the community. It was, indeed, very extraordinary that, after all the urgent demands made upon us by the people and by the President, for various augmentations of our force, that the first step we publicly take should be, not to increase the power of the Executive arm, but to diminish that which it already possesses. If this was the real character of this bill, he thought the conclusion inevitable, that a House which, in such a state of public affairs as ours, should be guilty of such an act, was actuated by "a servile and degraded spirit." And whatever we may think of it ourselves, I have great fears that both the people and foreign nations will draw that conclusion concerning us. That this was no increase of Executive power, but a real diminution of it was very evident.

The gentleman, my colleague, (Mr. VARNUM,) had stated three reasons for passing the present and repealing the old law. 1st. The want of an appropriation for the expense of the detachment. This is a very good reason for an appropriating act, but it is none at all for an act repealing the provisions of the old law, and re-enacting the same nearly in the same form. 2d. His second reason was, that the former act was permanent—this temporary. The former law had been passed in 1803, by the gentlemen who now constituted the majority in this House. It had been suffered to sleep for three years, and now at the very moment the act is about to be useful, this great Constitutional discovery is made. It is very unlucky that, when the people expect to see us alive to their protection, we are alive to nothing but theoretic questions and Constitutional difficulties. The third reason for this law was the new apportionment of the detachment of militia it contemplates. In this consists the mischief and imbecility of the measure. By the law of 1803, which this bill proposes to repeal, the President is authorized to call out a detachment of eighty thousand militia. He may take the whole from any part of the Union. Wherever the exigency requires, he may there call for all, or any part, of the eighty thousand. By the present law, the detachment made is to consist, indeed, of a hundred thousand men; but this number is to be apportioned upon the States, and whatever is wanted for actual service is to be collected from seventeen independent divisions, in a country fifteen hundred miles in length. Great stress was laid, when this subject was debated in Committee, on the additional number. And my colleague (Mr. VARNUM) asked "are not a hundred thousand men more than eighty thousand? How, then, can this be said not to be an increase of Executive power?" This is not a question to be decided by mere numbers. The true question is, whether this is a real increase of efficient power? Will it enable the Executive to defend any given point or frontier of the United States better or worse than the existing law? Nothing, to my mind, can be clearer than that it will be worse. Suppose an invasion of any frontier—for instance the district of Maine. And let the invading force be twenty thousand men. To resist which, in the opinion of the Executive, thirty thousand would be expedient. As the present law is, the President may detach the whole thirty thousand from the militia of Massachusetts. But, pass this law and he can only detach the quota of Massachusetts, say fifteen thousand, and then must hunt up the deficiency in New York, Connecticut, and Vermont. Can there be a question which gives the most efficient power, the existing, or the proposed act? Take a simple view of the case. Suppose a man has a debt to pay in Massachusetts within a limited time, to make which payment eighty dollars is sufficient. Now, which is the most eligible and efficient power, to have the ability of taking upon credit the whole sum at once in Massachusetts or to be obliged to take it up in seventeen divisions, of five, ten, and fifteen dollars, in each of the United States? In common life no question could arise touching the superiority of the former over the latter power, in facility, convenience, or efficiency. And I can see none in political. I consider this act as no further of importance than as it shows the temper and disposition of this House. The people are anxiously expecting some great exertions from us. While we, not content with

doing nothing, are doing worse than nothing. We are making the small portion of Executive power less. The augmentation of the eighty thousand men to a hundred thousand is "a mere tub thrown to the whale," in the hope that, while amused by this, the real character of the new provisions may escape observation.

Mr. ELMER, of New Jersey, spoke in favor of the bill.

Mr. BIDWELL, of Massachusetts, said that he did not conceive this subject in the same light with his colleague, as a diminution of the efficient power of the Executive. He thought the object was to have the militia in better condition, and to have them in readiness all over the United States. And by this bill a certain proportion would thus be provided to be had in readiness.

Mr. MASTERS, of New York, said that, he hoped the bill would pass; as he thought from the disposition he had seen in the House it was all it was likely to do. He wanted exceedingly to be able to tell his constituents, we had done something. When I go home, and they ask me, "well, have you made provision for fortifying our harbors?" I shall answer with great comfort, no, "but we have authorized a detachment of a hundred thousand militia." Have you raised any troops to repel Spanish aggressions? "No; but we have authorized a detachment of a hundred thousand militia." Have you taken any measures to avenge our impressed fellow-citizens? "No; but we have authorized a detachment of a hundred thousand militia." Have you built any navy for the protection of our commerce? "No; but we have authorized a detachment of a hundred thousand militia." I hope, as we are likely to get nothing else, we shall at least have the satisfaction of this measure.

Mr. DANA.—I had not particularly attended to the present bill before it passed to the third reading, having supposed it conformable to former acts relative to similar subjects. On examination, a material diversity is observable. It differs from the general law, with respect to the pay of non-commissioned officers and privates of the militia when called into the service of the United States. If the allowances to them under that law are found on calculation to be substantially equivalent to the emoluments allowed by law to the troops on the military establishment, as has been suggested by the gentleman from Massachusetts on my left, (Mr. VARNUM,) I ask where is the necessity for varying in this manner from the former law, and thereby giving rise to questions of calculation on the subject of pay and emoluments? But, waiving this consideration, I observe a difference from former laws in two other sections of the bill.

The fifth section purports to authorize the President to call into actual service any portion of the proposed detachment when he shall judge the exigencies of the United States require it. On comparing this with the provisions of the Constitution, where is the authority for giving to the President this power? The Constitution, it will be found, authorizes Congress "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." The power of the General Government to call the militia into actual service, is constitutionally restricted to the three cases specifically mentioned. Yet the bill undertakes to give the President a general discretionary power of commanding into service any part of the detachment, at his pleasure, for any cause whatever, without any limitation.

The fourth section of the bill renders the detachment liable to be holden in service for six months after they arrive at the place of rendezvous. Yet the established law relative to the militia does not require them "to serve more than three months after their arrival at the place of rendezvous, in any one year." Why should the proposed detachment be subjected to a burden so unequal as that of serving in the field for twice the usual term? Ought they to be thus compelled to perform double duty?

But, my main objection to this bill is the efficacy of its provisions. If any measure is to be adopted for maintaining our national rights, let us contemplate a solid, effectual defence. The present bill holds forth the idea of providing a military force. But the President, by the general law of the Union, is already authorized to call forth the militia in the cases specified by the Constitution. If I considered this bill as adding anything to the efficiency of our militia, I should not oppose the general provision. I have no disposition to disparage our militia; but I deem such a detachment as that to be wholly inadequate to the support of our claims in the places where we may expect attacks, if attacked at all. My objection is not that I do not believe our militia to be brave and zealous for the public welfare. Bravery and zeal alone do not decide the conflicts of armies. Brave as the militia unquestionably are, they should, for operations in the field, be well equipped and disciplined. That they may be of effectual service, especially at a distance from their homes, equipment and discipline are essential. If this bill added anything to the equipment of the militia, or to their discipline, or to the mutual confidence of the officers and men, if in any point of military importance it aided or promised to aid them, I would give to the general principle my support. But I have not been able to discover that the bill makes any such addition, or gives one essential aid to the existing militia system. If this be all the plan of defence proposed to be adopted, I am free to declare I do not consider it as effectively anything. Is there an officer, accustomed to service, who will say that it is? Is there one military man who will assert that, when the project of thus detaching militia was tried formerly, any practical advantage resulted from it? If he should assert this with respect to his part of the country, the case appears to have been very different in other parts. My colleague (Mr. TALLMADGE) has mentioned the effect of making such a detachment in Connecticut. Its operation in another State has been mentioned by the gentleman from Vermont, (Mr. CHITTENDEN.) The effect was injurious rather than beneficial. If I

considered this as an affair of mere paper, I should have less cause for objecting. It would be then but a nullity. At present, I deem it worse than a nullity. It is, therefore, treated favorably when it is spoken of as being merely useless paper.

In reflecting on the state of our public affairs, will any gentleman seriously say that the proposed detachment can be effectively serviceable at the points where hostile enterprises will probably be attempted, if anywhere? The gentleman from Massachusetts, who, as chairman of the select committee, presented this bill (Mr. VARNUM) has spoken of the maritime injuries committed by the British, and has referred to the exposed state of our ports and seaboard. Will that gentleman say that this is the species of defence by which such injuries are to be repelled? Are our militia to be marched to the Atlantic border of the Union, and there be ordered, without fortifications, to protect the commerce and ports and coast against the predatory activity of every maritime force under any belligerent flag? We do not seriously propose thus to parade our militia with their muskets along the extent of our shores, in opposition to hostile ships of war.

If anywhere the military force of the Union is to be efficiently employed for maintaining territorial claims, it is on our Southern frontier, or its vicinity, that we should fix our attention. And there, how is the proposed detachment to be rendered effective? In case of hostility in that quarter, it must be either on the island of New Orleans, or in relation to the Floridas, or west of the Mississippi, on some part of the territory claimed as Louisiana. In no other place is there at present any probability of our having a hostile collision on land. But is there a man in this House who will say that there is any Constitutional power vested in the President to march the militia beyond the limits of the United States as fixed by the Treaty of Peace in 1783? Who will adventure to affirm that our militia can, under the present Constitution, be compelled to march to New Orleans, or below the thirty-first degree of latitude? Is it intended to march them out of the United States to repel any territorial aggressions of the Spaniards, to drive them from the Mississippi eastward beyond the Perdido, or back to the Rio Bravo, on the west? No gentleman, in debate, has pretended, none, I trust, will pretend, that there exists constitutionally such power over the militia.

Thus it appears that, with respect to effective operations, the militia, proposed to be detached, can be of no service in any of the places where there is any probability of our wanting a military force. They cannot be brought to bear upon the points where the force may be requisite.

What, then, is the true character of the present bill as a measure of defence? This is the mystery of the affair. It seems like something. In reality it is nothing. Let us not compliment our own sagacity at the expense of that of the whole people of the United States. This bill ought not to mislead any person. It is not adapted to give to the country any additional security. If it were such as to evince a fixed attention to arrange a system of efficacious measures for assuring the protection of our national rights, if it were such as to excite any sentiment of awe, or to command respect from any foreign Power, if it were fitted to inspire a confidence of security in one man, woman, or child, within the United States, any of these considerations might afford a reason for giving it my vote. But to arrange in legislative form, merely a collection of words, without any possible efficiency or use, and pass them for a measure of defence through this House, is a procedure of laborious nihility, in which I am not willing to co-operate, under the present serious aspect of our public affairs.

The bill was then passed, 79 rising in the affirmative.

TUESDAY, January 28.

A petition of the Presidents of the incorporated Marine Insurance Companies, in the city of New York, on behalf of the said companies, was presented and read, praying that provision may be made by law for granting registers to incorporated Insurance Companies for such vessels of the United States as may become their property, without requiring the oath now prescribed to be taken, so that they may be enabled to dispose of such vessels, with all the privileges that belonged to them at the time of their seizure and detention.—Referred to the Committee of Commerce and Manufactures.

The SPEAKER laid before the House a letter from the Secretary of the Navy, enclosing an estimate of the annual expense of supporting, in actual service, the whole of the frigates and smaller vessels now belonging to the Navy of the United States, in pursuance of a resolution of the House of the twenty-fourth instant; which was read, and committed to a Committee of the whole House on the state of the Union.

Mr. ALSTON, from the committee appointed on the sixteenth instant, presented a bill declaring the assent of Congress to an act of the General Assembly of the State of North Carolina; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion, it was

Resolved, That the committee appointed on the eighteenth day of December last, to inquire whether any, and, if any, what, alterations are necessary in the laws respecting compensation to grand and other jurors, summoned to serve in the courts of the United States, be instructed to inquire whether any, and, if any, what, alterations are necessary in the laws providing compensation to marshals; and that they have leave to report by bill or otherwise.

On motion of Mr. SMILIE, the select committee to whom was referred so much of the Message of the President of the United States, of the 17th instant, as relates to the impressment of our seamen, was discharged from its further consideration, and the subject referred to a Committee of

the Whole on the state of the Union, without a division.

On motion of Mr. THOMAS, the Committee of Ways and Means were discharged from the consideration of so much of the Message of the President as relates to depredations committed on our Colonial trade, and the subject referred to a Committee of the whole House on the state of the Union, without a division.

POTOMAC BRIDGE.

The House went into Committee of the Whole on the report of a select committee, in favor of authorizing a bridge to be erected over the river Potomac, at the City of Washington.

Mr. ELY spoke in favor of the report, and Messrs. ELLIOT, FINDLEY, and NELSON against it; when the Committee rose, and obtained leave to sit again.

Mr. SMILIE renewed his motion for discharging the Committee of Ways and Means from the further consideration of that part of the Message of the President that relates to the invasion of neutral rights.

Mr. QUINCY and Mr. J. C. SMITH opposed the motion, and Mr. JACKSON enforced it. The two first gentlemen having recommended a suspension of the motion until the chairman of the Committee of Ways and Means (Mr. J. RANDOLPH) should be in his place, Mr. JACKSON concluded his remarks by moving an adjournment, that the consideration of the motion might be the next day entered upon as unfinished business, and an opportunity be given by the delay to the chairman of the committee to be in his place.

The motion for adjournment prevailed—yeas 69.

WEDNESDAY, January 29

A message was received from the Senate informing the House that the Senate have passsed a bill, entitled "An act to empower George Rapp and his associates, of the Society of Harmony, to purchase certain lands;" to which they desire the concurrence of this House.

A Message was received from the President of the United States, enclosing a memorial from the merchants of Baltimore, on the depredations committed on the commerce of the United States, which was referred to a Committee of the Whole on the state of the Union.

NEUTRAL RIGHTS.

Mr. JACKSON called for consideration of the unfinished business of yesterday, viz: the motion of Mr. SMILIE to discharge the Committee of Ways and Means from the further consideration of so much of the President's Message as relates to the invasion of neutral rights by some of the belligerent Powers. On taking up this business the House divided—yeas 37; carried.

The motion having been submitted from the Chair, Mr. DAWSON opposed it. He said the wish of the gentleman from Pennsylvania to bring this subject under the view of the Committee of the Whole on the state of the Union might at any time be gratified by going into that committee and moving any resolution he might see fit, as the Message generally was referred to the Committee of the Whole on the state of the Union. He believed, however, that the floor of the House was not the proper place to make declarations of what is the law of nations. He believed that a volume of such declarations would be of no avail; it was their duty to act and not to declare on such subjects; and whenever the gentleman from Pennsylvania or any other gentleman, would bring forward measures calculated to prevent an infraction of our neutral rights, they should receive his support. At present he must be against adopting the resolution.

Mr. SMILIE said he did not expect any opposition to the motion he had made. If the Committee of Ways and Means should be discharged from the business, it would consequently come before the Committee of the Whole on the state of the Union without any motion, as the Message was generally before that committee.

In reply to the remark that this motion would be treating the Committee of Ways and Means with disrespect, Mr. SMILIE said, he thought the ground on which he had placed the business would have removed every idea of the kind. He did not say the Committee of Ways and Means were not as competent to the business as any other select or standing committee; but he had declared from the beginning that in his opinion, in point of principle, the reference ought to have been made to the Committee of the Whole. This is the ninth week of the session, and gentlemen charge us with having done nothing. Do not gentlemen see, from the state of the Committee of Ways and Means, that this course has become absolutely necessary? Shall a business of the first importance that can occur during the session, be neglected on this account? Not only the eyes of all America, but likewise of all Europe, are looking with anxiety on the steps which we shall take in this business; for all the maritime Powers of Europe are interested in this great question relative to neutral rights. Are we, then, in consequence of the deranged situation of a select committee, to remain with our hands tied up? For myself I do think, that the interests of our country call upon us to take immediate steps. I repeat it, that on a similar occasion with this, a similar course was pursued. Gentlemen will remember, that in the third Congress, when we before suffered from the misconduct of Great Britain, certain resolutions which became the subject of discussion originated in a Committee of the whole House. What, indeed, are we to expect from the Committee of Ways and Means? Are they in possession of the general sense of the House on this subject, as a guide in making their report? This is not the case, as we have had no discussion of the subject; and until it shall be brought under a view of a Committee of the whole House, it is impossible to tell in what the opinions of members will centre.

Mr. JACKSON.—I have but a single observation to make in addition to those which have fallen from the gentleman from Pennsylvania. So far

as relates to myself, it is not my object to discuss in Committee of the Whole, the abstract questions of the law of nations, but to adopt measures for the effectual resistance and punishment of the infraction of those laws, as far as we can. If, according to the course pointed out by my colleague, any resolution should be submitted on this subject in Committee of the Whole, it will be objected that the subject is before a standing committee, and it will be said to be disrespectful to act on it until they shall have reported. If my colleague, therefore, be of opinion, that we should adopt any efficient and prompt measures, the better and speedier way will be for him to join in the motion. I hope the motion will prevail. In the name of heaven, if we are not disposed to do anything, let us tell the people so.

Mr. CROWNINSHIELD.—From the beginning I was opposed to referring this subject to the Committee of Ways and Means. I saw no reason for its going to a standing committee. Without meaning to cast any censure on the Committee of Ways and Means, I am in favor of the motion. We have been in session seven or eight weeks—the reference was made as early as the 6th of December, and we have yet no report. The question is perhaps as interesting a one as has been presented since the establishment of a National Government. What is our situation? Our ships are plundered in every sea, our seamen are impressed, three thousand of them are in the service of one nation. We are a neutral nation, and it is not proper that any belligerent nation should employ them in this manner. Like the gentleman from Virginia, I am ready to act, I want no report to guide my decision. I am prepared—not for war measures, but for a non-intercourse act with Great Britain. I am willing to suspend all intercourse with Great Britain until she shall give back the ships she has stolen from us, and the seamen she forcibly detains. I shall not be more ready to take this step after a report from the Committee of Ways and Means than I am now. The simple question is, whether we shall abandon trade altogether, or resist the unjust aggressions made upon it? But it was not my object in rising, to go any length into the subject; I only rose to express my opinion in favor of the course pointed out by the motion. The Committee of Ways and Means is deranged, disorganized; two members are absent, and the Chairman unfortunately is sick. We have no expectation of a report; it may not come till the end of the session.

Mr. GREGG.—I rise to express a similar opinion with the gentleman who has just sat down.

I am in favor of the motion for the reasons which he has assigned and for another reason; for the sake of consistency. Though the subject be referred to the Committee of Ways and Means, it is likewise referred to the Committee of the Whole on the state of the Union. The memorials from the merchants of New York and Philadelphia have taken this latter course. This brings the subject before a Committee of the Whole. We are under the same obligation to take up the business of our constituents as the Message; and as the business is of the greatest importance I hope the whole subject will be referred to a Committee of the Whole.

Mr. BIDWELL.—The gentleman from Pennsylvania has anticipated me in an idea which I meant to have expressed. As the principal document on this subject is the Message of the President, I think it proper that that should be placed with the same committee charged with the memorials of merchants from different towns. Another reason may be mentioned in favor of this course of procedure. At the commencement of the session there was a strong reason for referring the subject to a special committee. It was a principal object at that time to inquire into the extent and degree of the injuries received from belligerent nations; as since that time we have received full information on those points from the Executive Department, that reason is done away, and there is no necessity for any investigation by a select committee.

The motion to discharge the Committee of Ways and Means was then agreed to—yeas 68.

NON-INTERCOURSE.

Mr. GREGG said, that he considered the insults offered to our Government, and the injuries done to our citizens by some of the belligerent nations, to be of such a nature, as to demand the interposition of Government to obtain redress. It appeared from the memorials and remonstrances of the merchants of New York, Philadelphia, and other of our seaport towns, now on our table, as well as from Executive communications, that vessels the *bona fide* property of citizens of the United States, have been seized by their cruisers, and they and their cargoes condemned, contrary to our rights as a neutral nation, and to what has long been considered as the law of nations on this subject. Great numbers of our fellow-citizens have been impressed, and not withstanding our repeated remonstrances, they are cruelly retained in bondage, and compelled to act in a service, perhaps very abhorrent from their feelings, far from their country and their friends. To these insults and injuries, said Mr. G., we can no longer submit, unless we are willing to surrender that independence which has been, and I trust always will be our pride and our boast. So great are these injuries and aggressions, and so unremittingly are they persevered in, that I do not know but that they might be considered as a sufficient cause, on which to ground a declaration of war. That, however, is not my object. I deprecate war, and will not agree to resort to it, until other means, which we have in our power, are tried in vain. We do, I think, possess means, which, if properly used, cannot fail of accomplishing the object. To these I hope we will now resort, and for the purpose of bringing them into view, I will submit a resolution to the consideration of the House, reserving any further observations on the subject, until the resolution shall be taken up in Committee of the Whole on the state of the Union, to which I intend moving its reference.

Mr. GREGG then offered the following resolution:

Whereas Great Britain impresses citizens of the United States, and compels them to serve on board her ships of war, and also seizes and condemns vessels belonging to citizens of the United States, and their cargoes, being the *bona fide* property of American citizens, not contraband of war, and not proceeding to places besieged or blockaded, under the pretext of their being engaged in time of war in a trade with her enemies which was not allowed in time of peace:

And whereas the Government of the United States has repeatedly remonstrated to the British Government against these injuries, and demanded satisfaction therefor, but without effect;

Therefore, *Resolved*, That until equitable and satisfactory arrangements on these points shall be made between the two Governments, it is expedient that from and after the —— day of —— no goods, wares, or merchandise, of the growth, product, or manufacture of Great Britain, or of any of the colonies or dependencies thereof, ought to be imported into the United States. *Provided*, however, that whenever arrangements deemed satisfactory by the President of the United States shall take place, it shall be lawful for him by proclamation to fix a day on which the prohibition aforesaid shall cease.

The House having agreed to consider this resolution,

Mr. THOMAS said he had seconded the motion of the gentleman from Pennsylvania, and should give it his decided support. It would however have suited him better, had it gone still further, and interdicted all commercial intercourse with that nation, until she should cease to commit depredations on our commerce, impress our citizens on the high seas into her service, and abandon the new principles which she had lately interpolated in the maritime code, and which he considered as unjust as they were unauthorized by the acknowledged law of nations.

But as unanimity in the Legislature of the nation was desirable at all times, and particularly so on great national questions, he was disposed, in order to produce that result on the present occasion, to yield a part of his own opinion to meet the views of other gentlemen.

The present was an important question and he hoped the honorable mover would consent that it should lie a day or two for consideration, and moved that it be printed.

Mr. GREGG said his wish was to refer the resolution to a Committee of the Whole on the state of the Union; and made a motion to that effect which was agreed to without a division, and the resolution ordered to be printed.

POTOMAC BRIDGE.

On motion of Mr. THOMPSON, the House again resolved itself into a Committe of the Whole—on the report of a select committee in favor of authorizing the erection of a bridge over the Potomac.

Messrs. THOMPSON, CLARK and ELMER, advocated; and Messrs. EARLY, SLOAN, and FINDLEY opposed the report; when the Committee rose, without coming to a decision, and obtained leave to sit again.

And on motion, the House adjourned.

THURSDAY, January 30.

The bill sent from the Senate, entitled "An act to empower George Rapp and his associates, of the Society of Harmony, to purchase certain lands," was read twice and committed to a Committee of the Whole on Monday next.

Mr. STANFORD, from the committee appointed on the twenty-third instant, presented a bill for altering the time for holding the circuit court in the district of North Carolina; which was read twice and committed to a Committee of the Whole to-morrow.

A memorial of the inhabitants of the town of Salem, in the State of Massachusetts, signed by a committee, in behalf of the said inhabitants, was presented to the House and read, setting forth that they have beheld, with the deepest regret and anxiety, the aggressions committed on the commerce of the United States, and the consequent violation of neutral rights, under the new assumed principles and adjudications of the maritime courts of Great Britain; that they view with equal abhorrence the impressment of our seamen, the violation of our jurisdiction by captures at the mouths of our harbors, and the insulting treatment of our ships on the ocean, by the same nation, not less hostile than the conduct of other nations, by piratical depredations, and the lawless plunderings of privateers on our coasts; that, while they ask for no measure but what justice approves and reason enforces—claiming merely to pursue a fair commerce, with its ordinary privileges—wishing for peace, for honorable peace, and to support the independence of their country by the acquisitions of lawful industry, they pledge their lives and properties in support of the measures which may be adopted to vindicate the public rights and redress the public wrongs.—Referred to the consideration of a Committee of the Whole on the state of the Union.

The SPEAKER laid before the House the following letter from the Secretary of the Navy addressed to the House.

SIR: In obedience to the resolution of the House of Representatives of the 27th instant directing the Secretary of the Navy "to lay before the House a report on the condition of the frigates, and other public armed vessels, belonging to the United States, distinguishing the frigates fit for actual service; distinguishing such as require repair, and the sum necessary for repairing each; and distinguishing also such as it may be the interest of the United States to dispose of rather than repair," I have the honor to state—

That the frigate Constitution is now in a state of thorough repair, and in all respects prepared for service.

That the frigate Chesapeake has lately been repaired and is fit for service.

That the frigates Adams, Essex, and John Adams, are also fit for service.

That the brigs Syren, Hornet, Argus, and Vixen, the schooners Nautilus and Enterprise, the bombs Spitfire and Vengeance, and all the gunboats are fit for service.

That the frigates President, United States, Congress, Constellation, New York, and Boston, require to be repaired; but it is utterly impossible to form an accurate estimate of the "sum necessary for repairing each."

I know of no vessel belonging to the navy, which I

consider it would be "the interest of the United States to dispose of, rather than repair."

On the motion of Mr. J. RANDOLPH, the first and third sections of the bill to repeal so much of an act as authorizes the evidences of the public debt to be received in payment for public lands, and for other purposes, was referred to a Committee of the whole House.

The discussion which ensued on the details of this bill occupied nearly the whole of the residue of the day.

The committee having reported the bill, with sundry amendments, it was ordered to a third reading to-morrow.

NEUTRAL RIGHTS.

Mr. J. RANDOLPH said it would be recollected that, very early in the session, so much of the Message of the President of the United States as relates to the invasion of neutral rights by belligerent Powers, had been referred to the Committee of Ways and Means. It would also be recollected that another Message on the same subject, or on one connected with it, had been referred to the same Committee of Ways and Means. I understand, said Mr. R. (for my indisposition has not permitted me for some days past to attend to the duties of my seat) that a motion has prevailed to discharge the Committee of Ways and Means from the consideration of that subject. Inasmuch as this discharge may have been effected under an impression that the committee have been delinquent in executing the duty devolved upon them, I feel it my duty before I surrender the papers connected with this subject, to give some account of the proceedings of the committee. On the eleventh of December the committee instructed their Chairman to write a letter to the Secretary of State, which I will read. Mr. R. here read the letter as follows:

COMMITTEE ROOM, *Dec.* 11, 1806.

SIR: The Committee of Ways and Means have instructed me to request you will cause to be laid before them such information, on the subject of the enclosed resolution, as the Department of State can furnish.

The peculiar objects of our research are—

1. What new principles, or constructions, of the law of nations have been adopted by the belligerent Powers of Europe, to the prejudice of neutral rights?

2. The Government asserting those principles and constructions?

3. The extent to which the commerce of the United States has been thereby injured?

I am, with very great respect, sir, yours,

JOHN RANDOLPH.

The SECRETARY OF STATE.

On Saturday night the 25th instant, the Committee of Ways and Means received an answer to this letter, which I will deliver to the Clerk, in order that it may go to the new committee, to which this business has been referred. It is unnecessary for me to add anything more. The House must be sensible that while the Committee of Ways and Means were in the dark they could not proceed in the discharge of the duties assigned them, and that after receiving information from the Secretary of State so late in the day, it was impossible for them to have made a report by this day; and if I am not mistaken, the motion to discharge the Committee of Ways and Means was made before the answer of the Secretary of State was received.

The Clerk accordingly read the letter of the Secretary of State, as follows:

DEPARTMENT OF STATE, *Jan.* 25, 1806.

The Secretary of State presents his respects to Mr. Randolph, and has the honor to transmit him a copy of a report this day made to the President of the United States, respecting interpolations by foreign Powers, of new and injurious principles, in the law of nations. This report, with the communications made by the President to Congress, particularly that of the 17th instant, will, it is hoped, afford the information requested, for the Committee of Ways and Means, by Mr. Randolph's letter of the 11th ultimo.

When, on motion of Mr. J. RANDOLPH, the papers laid by him on the table were referred to a Committee of the Whole on the state of the Union.

FRIDAY, January 31.

Another member, to wit; WILLIAM BLACKLEDGE, from North Carolina, appeared, produced his credentials, was qualified, and took his seat in the House.

The first and third sections of the bill to repeal the act to authorize the receipt of the evidences of the public debt, in payment for the lands of the United States, and for other purposes relative to the public debt, were brought up engrossed. The said engrossed sections, together with the bill, were then read the third time, and passed.

Several petitions of sundry inhabitants of the State of Maryland, residing on and near the river Potomac, whose names are thereunto subscribed, were presented to the House and read, praying that Congress may reject every application for leave to build a bridge across the said river.—Laid on the table.

Mr. LEIB, from the committee to whom was referred the resolution respecting compensation to certain officers of the House made a report thereon of an amendatory resolution; which was read, and committed to a Committee of the Whole to-day.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act making a further appropriation for the support of the Library;" and also a bill, entitled "An act to repeal, in part, the fourth section of an act, entitled 'An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned;" to which they desire the concurrence of this House.

BRIDGE ACROSS THE POTOMAC.

Mr. LEIB moved to discharge the Committee of the Whole from the further consideration of the report of a select committee in favor of the erection of a bridge over the Potomac.

Mr. LEIB said his reason for this motion was to disengage the House from the tedious discussion of a local and comparatively unimportant

question, that the House might immediately take up business of pressing and national importance, called for by the great interests and anxiety of the people, and the interesting crisis of affairs.

Mr. LEWIS opposed the motion. He considered the subject as of considerable importance even in a national point of view; and he trusted that, as so much time had been already consumed, and the stage of the discussion promised so near a termination, the House would not postpone a decision of the question.

Mr. VAN CORTLANDT advocated the motion, on similar grounds with those urged by Mr. LEIB, and particularly under the impression that the state of public affairs loudly called for effectual measures for the defence of our ports and harbors.

The motion was disagreed to—yeas 47, nays 58.

Mr. VAN CORTLANDT, with the view of maintaining order, and expediting the public business, offered certain resolutions amendatory of the rules of the House.

The first of these amendments prohibited a member from reading in the House any book or printed paper, or writing any letters; the second prohibits the Sergeant-at-Arms from keeping or stating the accounts of the members, or giving receipts in the House, and prohibits the Doorkeepers from coming on the floor to call out members.

The resolutions were laid on the table.

Mr. GREGG said he had had the honor two days since of laying on the table a resolution to prohibit the importation of British goods until arrangements should be entered into to render the continuance of this prohibition unnecessary. Mr. G. said he was of opinion that it was proper at the same time to adopt a permanent system of commercial regulations calculated to meet the measures of foreign Powers. To throw light on this subject, Mr. GREGG moved that the report of the Secretary of State on the commercial relations of the United States with foreign Powers, made in the year 1791, should be printed. This motion was agreed to.

Mr. HOLLAND moved to postpone till the first Monday of March the resolution on the subject of the Potomac bridge. Motion lost—yeas 45, nays 74.

BRIDGE ACROSS THE POTOMAC.

The House then again resolved itself into a Committee of the Whole on the resolution in favor of authorizing the erection of a bridge across the Potomac.

Mr. LEWIS.—Mr. Chairman: Two days have already been employed in discussing the propriety of erecting a bridge over the river Potomac, to facilitate and shorten the intercourse between the Eastern and Western States of the Union. Before the question is taken, I am desirous of assigning some of the reasons which will influence my vote. I promise the Committee, however, that my observations shall be as short as the nature of the subject will permit. The very able support given to the resolution upon your table, by the honorable chairman of the committee who reported it, aided by my honorable colleague, (Mr. CLARK;) an honorable gentleman from New Jersey, (Mr. ELMER,) and an honorable gentleman from Massachusetts, (Mr. ELY.) will considerably abridge the observations which otherwise I should have thought it my duty to make. It is my wish, sir, to give this subject a fair, candid, and impartial investigation; and if it shall appear that all the numerous evils will result from its adoption, which the people of Georgetown seem to suppose, I will be the last man on this floor to sanction its passage; but if, on the other hand, their objections are chimerical, and have emanated from an unfounded jealousy of their neighbors, I shall give to this measure my most decided and unequivocal approbation, and in this determination I trust I shall be aided by a large majority of the committee.

There is but one point to which, in my opinion, the attention of this Committee ought to be directed: Will the erection of the contemplated bridge injure the navigation of the river Potomac? This is the only question applicable to the subject, and the only pivot upon which it ought to turn. Let us, Mr. Chairman, examine the objections and reasoning of the anti-memorialists upon this point. They say in their memorial that "they consider their natural and politi-
'cal rights will be infringed by the adoption of
'this measure, as the navigation of the river will
'be injured and obstructed thereby; that from
'the meeting of the stream and tide-water, at
'the place where the bridge is contemplated, a
'tendency will be produced in the impeded stream-
'water to deposit the earthy particles with which
'it is charged in time of freshes, and by which
'they apprehend the present, entire, main and
'deep channel may be divided into many small
'and narrow passages, to the great injury of the
'navigation." This, sir, is the bare assertion of the counter-memorialists; they have not deigned to state one single fact, or adduce the smallest proof in support of a result which they have taken for granted will be inevitable. Although the proof rests upon the opponents to this measure, and not upon its friends, yet I am willing and prepared to prove, by the best evidence the nature of the case will admit, that the navigation of the Potomac instead of being injured will be greatly benefitted by the erection of this bridge. Sir, the evidence I shall offer is drawn from experience. It is known that in Europe as well as in this country, piers have been sunk for the express purpose of deepening the channel, and improving the navigation of rivers, and if this experiment has succeeded in all other countries and rivers, surely it will not fail in the Potomac. It is not to be believed that the Potomac is unlike every other river in the world. But, sir, if we had not the aid of experience before us, common sense and common reason would revolt at the idea of injuring the navigation in the manner stated by the counter-memorialists. If you oblige vessels of all descriptions to pass through your draw and of course pursue the same channel, will it not have a tendency to deepen and clean the channel, by agitating the sediment

which may have settled there, and which will by that means be swept away by the current? and instead of a number of small channels, will it not have the opposite effect of improving and deepening the only main channel? Surely this must be the effect. But, Mr. Chairman, whilst I am unwilling to believe that the erection of this bridge can in any manner whatever injure the navigation of the Potomac; yet I will candidly admit that the vessels passing to and from Georgetown will experience some little inconvenience at the draw; but that inconvenience will be so very trifling that it will be entirely lost in a comparison with the great general good which will result to the community. Having proved, as I trust, satisfactorily, that the navigation of the Potomac cannot possibly be injured by the adoption of this measure, let us now examine the inconvenience to which vessels passing the draw will be subjected, for this appears now to be the only remaining ground of investigation. We have been told by gentlemen on this floor well acquainted with the building of bridges and of their effects, that little or no detention is experienced in passing the draws. That it frequently happens that vessels pass through without lowering a sail or being detained a single instant when they have a fair wind, and that at no time is it necessary to detain them longer than from five to fifteen minutes. If this information is correct, (and we cannot possibly doubt it,) where, let me ask, is the very great injury to the very few vessels that will have to pass this draw? When I say very few, Mr. Chairman, I have reference to the statement made the other day by my honorable colleague, the chairman of the committee, whose report is now the subject of discussion. He then told us that his statement was taken from absolute entries made at the collector's office at Georgetown for the last seven years, and in that time only twenty-one ships, six brigs, one hundred and thirty-two schooners, and fifty-two sloops had been entered there, making in the whole two hundred and eleven vessels of all descriptions. My colleague at that time omitted to mention, or was not apprized of the fact, that of the vessels entered at Georgetown, a very considerable proportion never went there, but were destined for, and actually loaded at the Eastern Branch. It is very well known that within the last seven years a number of large vessels were loaded at the Eastern Branch by Mr. Barry alone, who was at that time engaged in making large shipments of flour and biscuit to the West Indies; yet all these vessels, as well as a great number employed in removing from Philadelphia the furniture of Congress, of the President, and of the public officers, together with those employed in bringing stores, &c. for the navy yard on the Eastern Branch, were all entered at Georgetown, that being the only port of entry for Georgetown and the City of Washington, thereby giving to Georgetown an appearance of commerce which she is not really entitled to. I have ascertained that some years ago several foreign vessels resorted to the port of Georgetown to carry away the tobacco of that town and Bladensburg, and that the ships used to lay in the Eastern Branch to obtain their cargo from both places. That this trade has declined cannot be denied, for it is an incontrovertible fact that the only ship destined for Georgetown last year, called the William Murdock, Captain Tom, was loaded at Barry's wharf, on the Eastern Branch, because there was not sufficient water over the bar below Georgetown to admit her passage to and from that place. Now, sir, from the whole number of vessels of all descriptions entered at Georgetown for the last seven years, we may fairly deduct one-fourth for those which never went there; there will then remain 158 as having actually passed up the river to that place during that time; which, divided by seven, will be something less than twenty-three vessels in each year, and not quite one for each fortnight. Thus, then, sir, this mighty obstacle—these great delays by a drawbridge—after investigation become very inconsiderable. Indeed the first is proven to be nothing, and the last too trifling to deserve serious consideration. But, Mr. Chairman, in order to remove every objection, or even doubt, which can possibly exist with any part of the Committee, I am willing to insert a clause in the bill obliging the Bridge Company to compensate for any loss by detention at the draw.

I have endeavored to show that the erection of this bridge cannot injure the navigation of the river, nor subject to much inconvenience the very few vessels which may pass it. It is now proper that I should state the advantages which will result to the community at large from its erection. It is hardly necessary, I presume, sir, to state the difference in despatch, in safety, and in comfort, between a bridge and ferry, even where the distance is the same; but when a saving of nearly one-half the distance is effected in favor of the bridge, the advantages are too obvious to be resisted. From a calculation made by my colleague (Mr. THOMPSON) the other day, the public will save, (agreeably to a statement of expense furnished from the General Post Office Department,) in carrying the mail alone, between five and six hundred dollars per annum, and in the mileage of the members of Congress, south of the Potomac, about the same sum. This is certainly no great consideration with the Government, in a pecuniary point of view, but at the same time it ought not to be entirely overlooked. It is worth saving. We ought not to forget the admonition of the gentleman from Maryland, (Mr. NELSON,) the other day, upon the subject of economy. He then told us what his grandfather, an old Scotchman, once told him: "That many mickles would make a muckle—take care of the pence, and the pounds would take care of themselves." I agree perfectly with that gentleman's grandfather, in this particular at least, and think we ought not to waste the public money because the sum may appear trifling.

The saving to travellers of every description will be incalculably great. Those who travel in the public stage or other hired carriages will save (at the rate of stage fare from Georgetown to

Alexandria) at least seventy-five cents going and the same returning, making a dollar and a half for each passenger per day. Every description of travel from New Hampshire to Georgia will save in an equal proportion; but the saving of money bears no proportion to the saving of time. The population of the District is increasing very fast, and shall the eastern and western parts of it be for ever divided by an obstacle so easily surmounted? Shall the Potomac be an eternal barrier to their intercourse, when a bridge can be so easily thrown across it? and at the expense of a company, too, who will ask no aid from the Government. And will you force, not only the inhabitants of the District, but near five millions of your citizens to the south and north of the Potomac, who may occasionally wish to travel in different directions to the seat of Government, to go the circuitous route of Georgetown, over a ferry, at sometimes impassable, and at all times disagreeable, and a road, too, extremely bad indeed, when they can pass with great comfort, safety, and expedition, a good bridge and an even paved road at least four or six miles nearer? Is this city never to increase? Is it forever to be excluded from a communication with the Virginia shore but by a ferry? Are the mails and stages always to be delayed by a ferry? Are the citizens of every description always to be severed, except by a circuitous route and dangerous ferry? I trust not. It is impossible. A bridge must and will be built, at some time or other, and the sooner it is done the better. The people will not remain longer unconnected, and be silent; the public voice demands it at our hands, the public good requires it, and it ought to be done. We have often heard, even upon this floor, the Metropolis of the Union compared to a wilderness. Sir, the comparison is not altogether unjust; it is indeed a wilderness, and I am sorry for it, but I trust and hope it will not long remain so. It is time that the fostering hand of the Government had been extended to its improvement, then indeed we might hope to hear no more expressions of discontent at the situation and accommodation at this place. The erection of a bridge would open to the city a very abundant and cheap market at Alexandria, by which the inhabitants of this place could be enabled to keep better and cheaper boarding-houses, and thereby silence at least one of the objections to the continuance of Congress here. But we are called upon to say "where is there a commercial town above a bridge?" I answer, in almost every direction, both in this country and Europe. I am told, and I believe correctly, that nine-tenths of the city of London is above its bridge, although it has no draw. In almost all the States northward of this, there are bridges of this description, and I am told by gentlemen coming from that country, and well acquainted with their effects, that no serious injury has been experienced by commercial towns above them, nor has the property fallen in value, or improvement been checked in those towns by the erection of their bridges. In Massachusetts alone there are a great many bridges below large and flourishing towns, some of which I will venture to say have ten times the commercial importance of Georgetown. Roxbury, Cambridge, and Charlestown, in Massachusetts, have bridges. The first two are ports of delivery, which is the best evidence of their flourishing situation. There are also in Massachusetts two other bridges, Chelsea and Malden, through both of which you must pass to get to Medford, a town of considerable commercial importance, and we have been told that property above these bridges has experienced no diminution in value in consequence of their erection. But why need we travel to Europe, and to the northward for examples? We have almost within our view several drawbridges, through which vessels pass to commercial towns above them, and yet I have never heard any inconvenience complained of. There is one over the Eastern Branch within this District, and another on Occoquan, at a small town called Colchester, in Virginia. Although the commerce above the first is now very inconsiderable, yet there was a time within my recollection when more vessels were loaded upon the Eastern Branch than at Georgetown at this time. Above the latter bridge at Colchester, and at the head of the navigation, is a little town called Occoquan, in a state of rapid improvement. There are in it two or three very large manufacturing mills, and several stores, and belonging to it several vessels. This little town has started into consequence since the erection of the bridge below it, whilst Colchester, a place of ancient standing, and below the bridge, too, has dwindled into nothing. There is not belonging to it a single vessel, nor in it a single store. This is a case precisely in point. Colchester, a place of ancient establishment, and below the bridge, too, has sunk into nothing; whilst the town of Occoquan, only two miles above it, is progressing rapidly to a state of commercial importance. Thus it is plainly proven that bridges have not the injurious effects upon commerce above them, which the people of Georgetown would wish us to believe. No, sir, it is not to these little artificial causes that commercial towns owe their rise or fall, but to enterprise and capital.

We have been told by the counter-memorialists, and it has been reiterated here, "that natural advantages ought not to be injured by artificial means." Upon this subject, Mr. Chairman, the people of Georgetown ought to have been silent; they are not aware of a retort which this objection will force upon them. Will they recollect, sir, that to artificial means alone they are indebted for the greatest part of their commerce? Will they recollect that from artificial means alone the towns of Baltimore and Alexandria have been deprived of their natural advantages to the exclusive benefit of Georgetown? Do they not know that the improvement of the Potomac above them has diverted from its natural course a commerce which belonged to others and which now enriches them? And will they permit me to remind them that even to the erection of a bridge they owe no inconsiderable share of their commerce? Yes, sir, I will remind the peo-

ple of Georgetown of advantages from artificial means which they ought not to have forgotten, because to them, in a great measure, they owe their present commercial standing. The bridge below the Little Falls, and at the head of the navigation of the Potomac, has given to Georgetown a considerable quantity of produce from Virginia which must otherwise have gone to Alexandria. I am very far from objecting to the means by which the importance of Georgetown has been acquired. I was pleased with the erection of a bridge at the Little Falls, because it was a convenience generally, and particularly so to that part of the country from which I come, and from the same principle I should be glad to see a number of other bridges erected, both above and below the Falls. I have always thought and still think there ought to be a bridge at Georgetown, and if the people of that place are of the same opinion, and will propose it, I will promise to vote for it. Is it necessary already to remind the people of Georgetown that for their exclusive benefit one arm of the river Potomac has been entirely closed, by authorizing a dam from Mason's Island to the Virginia shore, which gives to them, in some measure, a monopoly of the flour which comes down the Potomac? and are we now to be told by the same people that we possess no Constitutional right to authorize a bridge across the Potomac for the public good, even with a free passage to vessels of all descriptions, and that even if we possess the right, it would be a wanton and cruel exercise of it? The erection of the dam will certainly prevent flour boats from going to Alexandria at particular seasons of the year, when high winds are frequent, as they will be obliged to go a considerable distance round Mason's Island, exposed to a wide and unprotected sheet of water, which will subject them to considerable danger, even when the wind is moderate; but before the erection of this dam, the boats could go down to Alexandria at almost any season, and with almost any wind, as they could, and d d always keep close to the Virginia shore, and covered by its banks were perfectly secure. This measure, as well as the erection of the bridge at the Falls, was evidently injurious to the interests of Alexandria. Yet, sir, had we any complaints from that quarter? Were our rights questioned by them, and our motives censured? Were we told by them that "no place should calculate on artificial advantages, which cannot be afforded without depriving other places of their natural advantages?" No, sir, they were silent; not even a murmur escaped them; they had no wish to deprive their neighbors of any advantages they could derive from "artificial means," although their interests should in some measure be affected by it; they felt none of those jealousies which appear now to influence their neighbors. It is well known that at the last session of Congress I was in favor of the causeway from Mason's Island to the Virginia shore. I did not believe at that time it could do any injury to the public, and as the people of Georgetown supposed it would benefit them by reclaiming a channel considerably injured by natural causes, I could have no reasonable objection to the experiment, and of course gave to it my support. Mr. Chairman, I have now examined such parts of this subject as have not been generally adverted to by those who have preceded me; I must now be permitted to answer some observations which have fallen from gentlemen on the other side of the question.

The honorable gentleman from Maryland (Mr. NELSON) has made one point of objection to this measure, which I had not expected from any quarter, and particularly from himself. We are now told by that gentleman that we have no Constitutional right to authorize the erection of this bridge; that we are forbidden by the compact between Virginia and Maryland. I do not mean, at this time, to enter into an examination of this objection; I consider it as having been completely refuted and settled by a vote of this House, at the last session of Congress, on the subject of the causeway from Mason's island to the Virginia shore; and I am unwilling to trespass unnecessarily upon the patience of the Committee. But I would ask the gentleman from Maryland how it has happened that he who, at the last session, so ably vindicated the Constitutional right of Congress to build a causeway (which is a complete obstruction) should now deny that right in the case of a bridge, which is no obstruction at all, and which will be of great public utility? The gentleman has, however, acknowledged his error, confessed his sin, and asks forgiveness, and he ought to receive it. But we are again told by the gentleman from Maryland "that the petitions 'upon this subject are old petitions, presented two 'or three years ago; that he had no idea that such 'a measure would be acted upon, and that he was 'taken by surprise." That the petitions are old cannot be denied, but that the gentleman should be taken by surprise is really astonishing. Sir, it was unnecessary to have new petitions; the gentleman ought to recollect that, at the first session of the last Congress, the select committee to whom this subject was referred, made a report in its favor, which, for want of time, was not acted upon during the session; that, at the last session, it was revived, and the committee again reported in its favor; but, from the pressure of important business, it was not acted upon. It has now been called up, as part of the unfinished business of the last session, and referred to another committee, who, after a consideration of six or seven weeks, have again reported in its favor. Can the gentleman from Maryland now say he has been taken by surprise? Certainly not. He has been a member of the House from the commencement of this business, and ought to have known its progress; every committee to whom this subject has hitherto been referred has uniformly reported in its favor, and, I believe, it would be extremely difficult for the Speaker of this House to appoint a committee indiscriminately who would not make the same report. But, says the gentleman again, "Congress may legislate over a part of the Poto-'mac, they may build a causeway, but they have 'no right to build a bridge entirely across the

'river." This is certainly very extraordinary doctrine; if we have a right to a part we certainly have a right to the whole of the Potomac, within the District of Columbia. An honorable gentleman from Georgia, (Mr. EARLY,) also objects to our right to legislate upon this subject; "because," says the gentleman, "by the compact 'between Virginia and Maryland, neither State 'has a right to obstruct the navigation of the Po-'tomac, and the erection of a bridge, even with a 'draw, will be such an obstruction as is prohibit-'ed by that compact;" and, to give us the true definition of the word "obstruct" he has favored us with Johnson's Dictionary as an authority, which is conclusive with him, "because it is the plain, good old English definition," to use the language of the gentleman. In the gentleman's Dictionary, it is found that "obstruct" means to hinder, impede, &c.; and, he has triumphantly asked, if this bridge will not hinder and impede? And if so, whether it will not obstruct? I will, in my turn, ask the gentleman from Georgia, whether Congress has not a right to establish quarantine regulations within the District, and to hinder vessels from proceeding for a certain number of days? And whether they have not a right, if an enemy's squadron was approaching their capital, to prevent their approach, by throwing across the channel a chevaux-de-frise or any other obstruction, they might think proper, for the public safety? Surely this right will not be questioned; and yet by the gentleman's authority, his good old English authority, it would be a hindrance, an impediment; and, of course, such an obstruction as is prohibited by the compact. But, in what light is this subject viewed by the State of Maryland? Has she conceived the erection of a bridge across the Potomac as violating the compact? I believe not, sir. We find that the Legislature of that State passed a law in the year 1791, previous to the assumption of jurisdiction of the territory by the United States, authorizing the erection of a bridge at or near Georgetown. As the river Potomac is navigable for some distance above Georgetown, we must consider the passage of this law as expressive of an opinion of the Legislature of Maryland, that the erection of a bridge below the head of tide water, is not such an obstruction or injury as is prohibited by the articles of compact between the two States. By this law a bridge is authorized as well below as above Georgetown. Indeed, it might have been built at the very place where the present bridge is contemplated.

An honorable gentleman from Pennsylvania (Mr. FINDLEY) also denies the right of Congress to legislate on this subject, but yet he admits the right to improve. Shall we attempt to improve that to which we have no right? Certainly not. He has also attempted to cast an indirect censure on the committee, by insinuating that, as this report differs from a spurious statement, just laid upon your table, they were influenced by improper considerations. How extremely unjust is this imputation! The select committee to whom this subject has been referred, have delayed their report for several weeks, that they might be enabled to procure all the information upon which to form a correct and impartial decision. Their sittings were public and open to all parties, and they formed their opinion from documents alone, submitted to them. If the opponents of this measure had intended to act fairly, they would have attended the committee, and submitted to them their objections and statements, and if there had appeared contradictions as to fact, it would have been the duty of the committee, before they reported, to have investigated the subject, and to have ascertained the truth. But this course, it seems, they did not think proper to pursue; they were afraid of investigation. And they have delayed their statements until the subject is already under discussion, when it is impossible to contradict it by investigation. I will say nothing of the impropriety of this mode of proceeding, or of the indecency of the statement, but will only notice the difference in distance in a survey said to be a correct one, which was furnished the committee three years ago, and by which they have been governed; and, by a survey recently made and secretly circulated among the members of this House only since the discussion of this question. By the first survey, (the correctness of which has never been contradicted,) there appeared to the committee to be a saving of five miles and seven-eighths between the Georgetown route and the bridge route to Alexandria, from the Capitol. But, it is said, by this new and illegitimate survey, which has found its way into this House at a very unseasonable time, and under circumstances of extreme suspicion, that the difference in the two routes is a mere nothing, about a mile, or, perhaps, a little more. I will not vouch for the accuracy of the first survey; it is possible there may be some little mistake in calculation, but I will vouch for the integrity of the gentleman who made it. I have long known him, and an honester man does not exist. But can the committee hesitate in their opinion of the relative correctness of the two surveys under all circumstances? If it be possible, I beg them to cast their eyes to the town of Alexandria, which is due south from the Capitol, and then to Georgetown and over the ferry, which is about three-and-a-half miles in a northwestern direction, and they will find that the original survey cannot be incorrect.

But there is another circumstance which proves indisputably the correctness of the first survey. General Mason, who is certainly more interested in opposing the erection of this bridge than any other person, appeared before a former committee upon this subject to state his objections to it, and I have been told by a member of that committee that he made no objection to the correctness of the survey. But, Mr. Chairman, if it be possible to doubt, as to the correctness of the two surveys, I beg the Committee to afford time for ascertaining the truth by voting for the present resolution, and enable us to bring in a bill, before the discussion of which an opportunity may be given of resurveying the different routes, and which will enable

us to vote understandingly upon the subject. I will now answer an inquiry made by the gentleman from Pennsylvania, (Mr. Findley.) It is asked what is meant by the public interest? Is it, says the gentleman, Georgetown, Alexandria, or the City of Washington? I answer, no; it is neither. I feel no partiality for either place; as a Representative upon this floor, I know them not; but it is the nation at large whose interest it is my wish to promote by this measure; and it is the immediate convenience to my constituents which I am desirous to facilitate and assist. Sir, I have no partiality upon this occasion. If I could be influenced by personal feeling, I know of no place which has a fairer claim than Georgetown, and I should be happy of an opportunity of manifesting it, upon any proper occasion. For its inhabitants generally I have the highest respect, and for those in particular with whom I have had the pleasure of an acquaintance, I will add, partiality and friendship; but considerations of this kind must yield to public duty.

We are assembled here to consult and promote the general good, and I should be unfaithful to my own judgment if I did not give to this measure my decided support.

Mr. Quincy supported; and Messrs. Dawson, G. W. Campbell, Magruder, Varnum, and Masters, opposed the resolution; when the question was taken, and the resolution carried—yeas 60, nays 51. The Committee immediately rose and reported their agreement to the resolution. The House took the report into consideration. On concurring in the resolution the yeas and nays were called; and were—yeas 61, nays 49—as follows:

Yeas—Joseph Barker, Burwell Basset, George M. Bedinger, Silas Betton. William Butler, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Ezra Darby, Elias Earle, Ebenezer Elmer, William Ely, James Fisk, James M. Garnett, Peterson Goodwyn, Silas Halsey, Seth Hastings, William Helms, David Hough, Walter Jones, James Kelly, Thomas Kenan, John Lambert, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, David Meriwether, Nicholas R. Moore, Thomas Moore, Jonathan O. Mosely, Thomas Newton, jr., John Pugh, Josiah Quincy, Thomas M. Randolph, Jacob Richards, John Russell, Peter Sailly, Martin G. Schuneman, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, David Thomas, Philip R. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, Eliphalet Wickes, Nathan Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

Nays—Willis Alston, junior, Isaac Anderson, John Archer, David Bard, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, Joseph Bryan, George W. Campbell. John Campbell, John Chandler, Samuel W. Dana, John Davenport, jun., John Dawson, Peter Early, James Elliot, John Fowler, Charles Goldsborough, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, James Holland, David Holmes, Patrick Magruder, Robert Marion, Josiah Masters, Jeremiah Morrow, John Morrow, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, jun., John Rea, of Pennsylvana, John Rhea of Tennessee, Thomas Sandford, James Sloan, John Cotton Smith, John Smith, O'Brien Smith, Samuel Smith, Samuel Tenney, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, and Marmaduke Williams.

Ordered, That a bill, or bills, be brought in, pursuant to the foregoing resolution; and that Mr. Thompson, of Virginia, Mr. Campbell, of Maryland, Mr. Lewis, Mr. Magruder, and Mr. Butler, do prepare and bring in the same.

Mr. Early moved that when the House adjourn, they adjourn till Monday.

Mr. Crowninshield hoped the motion would not prevail; but that the House would proceed without delay to the great national concerns that demanded their attention.

Messrs. Quincy, Newton, and Early, hoped that the motion would prevail; that time might be allowed for reading the voluminous documents presented, and for reflection on the important subject expected to come under view on Monday—the non-importation with Britain.

The yeas and nays were then taken on Mr. Early's motion, which was agreed to—yeas 64, nays 54, and the House adjourned until Monday.

Monday, February 3.

A memorial of the merchants of the town of Boston, in the State of Massachusetts, was presented to the House and read, stating that they have witnessed, with mingled feelings of indignation towards the perpetrators, and of commiseration for their unfortunate countrymen, the insults and barbarities which the commerce of these States has sustained from the cruisers of France and Spain; but that it is their object, in the present memorial, to confine their animadversions to the more alarming, because more numerous and extensive detentions and condemnations of American vessels, by Great Britain, and to advert to the principles recently avowed and adopted by her courts, relative to neutral trade in articles of colonial produce: principles which, if admitted, or practised upon in all the latitude which may fairly be inferred to be intended, would be destructive of the navigation, and radically impair the most lucrative commerce of our country; and praying that such measures may be adopted by negotiation, or otherwise, in the wisdom of the Government, as will tend to disembarrass our commerce, assert our rights, and support the dignity of the United States.—Referred to the Committee of the Whole on the state of the Union.

A petition of the crew of the late frigate Philadelphia, signed by Christopher Simmons for himself and the rest of the said crew, was presented to the House and read, praying relief in consideration of present distress, occasioned by sufferings sustained while in captivity at Tripoli.—Referred to Messrs. Leib, Goldsborough, and Chandler.

Mr. Gregg, from the Committee on Public Lands, made a report on the petition of F. Messonier, praying either a donation of land or an

extension of the usual time of payment therefor, to aid him in the cultivation of the vine. The report is unfavorable, not only to the prayer of this individual case, but likewise to the principle on which it is founded.

The House immediately took the report into consideration, and concurred in it without division.

A bill was received from the Senate, making a further appropriation for the support of a library. The bill appropriates, in addition to the unexpended balance of a former appropriation, the yearly sum of $1,000 for five years, to be applied under the direction of a joint committee of three members of the Senate and three members of the House of Representatives, to be appointed every session.—Referred to a Committee of the Whole to-morrow.

A bill was likewise received from the Senate to repeal in part the fourth section of an act to authorize the grants of land to the French inhabitants of Galliopolis, and for other purposes therein mentioned. This bill repeals so much of the act referred to as imposes the condition of actual settlement.—Referred to the Committee on the Public Lands.

On motion of Mr. LEIB, the House went into a Committee of the Whole on the report of a select committee making extra allowances to certain officers of the House for extra services rendered during the last session.

The resolution authorizes the payment of $300 to the Clerk, $200 to William Lambert, Josias W. King, the Sergeant-at-Arms, the Doorkeeper, and the Assistant Doorkeeper, each, and $50 to Elexius Spalding and John Philips, each.

On motion of Mr. FINDLEY, $100 were allowed to JAMES LAURIE, Chaplain.

After a short debate the resolution was agreed to—ayes 47, noes 42.

The Committee then rose, and the House took up their report, and concurred in the resolution as amended—yeas 60, nays 55.

A Message was received from the President of the United States, enclosing a letter from the Governor of South Carolina, stating the cession to the United States of certain sites of forts, &c., on certain conditions.—Referred to the Committee of the Whole on the state of the Union.

A Message was likewise received from the President of the United States, laying before the two Houses, for providing the means of fulfilling them, six Indian treaties, for the extinguishment of Indian rights to lands within the United States.

The President stated that the Senate had advised the ratification of these treaties, viz:

1. Treaty with the Wyandots, &c.; 2. With the same, &c.; 3. With the Delawares; 4. With the Chickasaws; 5. With the Cherokees; 6. With the Creeks.—Referred to the Committee of Ways and Means.

On motion of Mr. STANFORD, the House resolved itself into a Committee of the Whole on the bill altering the time for holding the Circuit Court for the district of North Carolina.

After the blanks were filled, Mr. MACON offered a new section for increasing the salary of the district judge of North Carolina from $1,500 to $2,000.

After debate, this motion was lost by a great majority, as were other motions, successively made, to allow a salary of $1,800, $1,700, and $1,600.

The Committee rose, and reported the bill, and the House ordered it to a third reading to-morrow.

INTERCOURSE WITH GREAT BRITAIN.

Mr. J. RANDOLPH said, the House would recollect better than he did, for he was not present at the time, the very important resolution referred on the motion of the gentleman from Pennsylvania, (Mr. GREGG,) whom he saw in his place, to the Committee of the Whole on the state of the Union. It was no part of his purpose at this time to discuss the merits of that resolution, and it was still further from his purpose to throw any impediment, or create any delay in bringing forward that discussion; the more so, as he considered the whole country south of the seat of Government, and more particularly that part of the country in which he resided, decidedly interested in a speedy and prompt reception or rejection of the proposition. Indeed, such was his opinion of the necessity of its being speedily acted upon, that as soon as he saw the resolution which had been offered, which was not until Friday, when it was laid on their table, the first suggestion of his mind was to move the going immediately into a Committee of the Whole on it; as those gentlemen with whom he had the honor of holding personal and political intercourse would testify. But a more mature reflection had convinced him that before the resolution could receive that ultimate decision which he trusted it would receive, the House stood in need of material information, which, however it might be in the possession of this or that individual, was not possessed by the body of the House. His object in addressing the House was to obtain this information from the proper authority, from the Head of a Department, which was the only way in which information of a satisfactory nature, such as ought to influence the decision of the House, ought to be obtained. Mr. R. then submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the exports and imports of the United States, to and from Great Britain and Ireland, and the American colonies of the same, for the two last years, distinguishing the colonial trade, from that of the mother country, and specifying the various articles of export and import, with the amount of duties payable on the latter.

Mr. SMILIE expressed himself in favor of the resolution, and observed that the species of information called for had not been received by the House later than 1803.

Mr. CROWNINSHIELD was of opinion that it would be best to extend the resolution so as to embrace the British Provinces of Nova Scotia and New Brunswick, and the provinces beyond the Cape of Good Hope.

A conversation of some length ensued between

Messrs. Crowninshield, Bidwell, and Alston, on the one side; and Messrs. J. Randolph and J. Clay on the other, on amending the resolution. The former gentlemen were for amending the resolution so as to embrace a period of peace as well as war, and to obtain information from "all the dependencies of Great Britain," which the latter gentlemen opposed on various grounds, one of which was, that if this additional information were desirable, it could be obtained by a distinct resolution.

On Mr. Crowninshield's motion to amend the resolution, so as to extend it to "British dependencies," generally, the House divided—ayes 43, noes 67.

Mr. Nicholson suggested the propriety of adding the following words to the resolution, in which the mover acquiescing, they were incorporated into it:

"And also a statement, showing in detail the quantity and value of the like articles of import brought into the United States, from other nations respectively, with the rate and amount of duty thereon."

The resolution, thus modified, was agreed to without a division.

Mr. Crowninshield then moved the following resolution. He said, in substance, it was the same with the amendment which he had proposed to the resolution of the gentleman from Virginia:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the amount of the exports and imports to and from the British dependencies, other than those of America, for the last two years.

This resolution was likewise agreed to without a division.

PETITION OF FRANCIS AMORY.

Mr. Crowninshield, from the Committee of Commerce and Manufactures, to whom was referred, on the 8th instant, the petition of Francis Amory, merchant, of Boston, Massachusetts, made the following report:

The following facts are stated in the documents accompanying the petition. That the petitioner was the owner of the ship Astrea, an American vessel, commanded by Solomon Stanwood, which sailed from Batavia, in the month of December, 1804, bound to Boston, and loaded with a cargo of sugar and coffee. That, on the 17th of January following, being then in the Indian ocean, the ship experienced a violent hurricane, and was dismasted, and otherwise so wrecked and disabled, as to be obliged to put into the Isle of France for the preservation of the lives of the crew, and the property on board. That, upon examination in that island, finding the ship not seaworthy, and that it was impossible to repair her, except at an expense of sixteen or seventeen thousand dollars, which greatly exceeded her then value, the master was obliged to abandon her, and she was condemned and sold for the benefit of the underwriters, and all concerned. The master and supercargo now state, that, as no American bottom could be obtained to transport the cargo to America, they chartered the Swedish ship Pelee, and shipped the same in that vessel to Boston, where she lately arrived. The Collector of Boston charged the alien or foreign duty on the Pelee's cargo, as she was a foreign ship, and it is this additional duty which the petitioner is desirous should be remitted to him, upon the ground that the cargo was originally shipped in an American vessel, and that the change of bottom, which subsequently took place, was an act of necessity beyond his control, and for which he ought not to suffer.

It will be observed by the House, that the cargo in question was imported into the United States in a foreign ship, and it is known that the character of the ship determines the amount of duties payable upon the cargo imported in her. The cargo may be American property, but if the ship is sailing under a foreign flag, or even under the flag of the United States, and is not furnished with an American register, the cargo is liable to the extra duty alluded to, and the ship herself is charged with the foreign tonnage duty. By the laws now in force, it will be found that all goods, wares, and merchandise, imported into the United States in vessels not of the United States, are subject to pay the addition of ten per cent. on the amount of duty, chargeable upon similar articles imported in American vessels. The following statement will point out the difference of duty between a foreign and an American ship, and their respective cargoes, upon entering a port of the United States.

American Ship.

For instance: A cargo is imported from a foreign port or place, in an American vessel, and the duty amounts to - - - - - - - - -	$1,000
Tonnage duty for the ship, supposed to be of the burden of 200 tons, at six cents per ton	12
Duty on the cargo, imported in the American ship, including her duty of tonnage - -	1,012

Foreign Ship.

If we presume the cargo to be imported in a vessel not of the United States, the first duty is - -	$1,000
To which add the ten per cent. additional duty for foreign vessels - - - - - -	100
Add, also, the foreign tonnage for 200 tons, at 50 cents per ton - - - - - -	100
And the foreign light money, for the same tonnage, at 50 cents per ton - - - - -	100
The amount of tonnage and the light money, for the foreign ship and the duty on her cargo, will be - - - - - -	1,300

Here, it is manifest, the advantage is on the side of the American vessel, in our own ports; but the disadvantages our vessels suffer in foreign ports, from the extraordinary impositions on our commerce and shipping, more than counterbalance the trifling additional expenses to which foreign vessels are subject upon entering the ports of the United States; and if the United States should, at once, repeal all the alien or additional duties payable by foreign ships, both on imports and tonnage, upon the condition that other nations would adopt the same liberal and just policy towards American ships and cargoes, when entering their ports, placing them on an equal footing with their own, commerce would be free from some of the shackles with which it is at present burdened, and a fair competition in every market would soon determine who could afford to sell cheapest. This is all that is wanted to give to American shipping and commerce the free scope to enterprise, and a ready and advantageous sale of our

productions, with cheap returns for the consumer. The committee have been led to make these observations, previous to giving their opinion on the present application for a remission of the additional duties imposed on the cargo of a foreign ship. They seemed to have a bearing on the subject, and are supposed to be of some importance, from a consideration that it would be inexpedient to allow such a claim without first repealing the discriminating law.

If the duty on the cargo is returned, it would certainly be as fair to return the foreign tonnage duties on the ship. The committee are not informed of any one instance where either has been done. It is true, this was a constrained importation, but it is already seen, if the cargo had been brought in any unregistered vessel of the United States, it must have been charged with the additional duty. The cargo came from a foreign port, and was of foreign production, and imported in a foreign built vessel. It having been once on board an American ship seems to make very little difference in its favor. It ought to give it no new or extraordinary privileges. Let the committee be allowed to reverse the case, and to suppose the Astrea had been the foreign ship, and the Pelee the American ship, and all the other circumstances had been similar in every respect. The cargo then is imported in the Pelee, entitled to American privileges, when it might have been imported in the Astrea, if no accident had happened to her on the voyage. Should the American or foreign duties be charged on such an importation? Surely, the American duties. And would it not have been manifestly unjust to have charged the owner with the foreign duties on the cargo of the American ship, merely because it was taken from a foreign ship? And yet, if the principle is correct in one case, it must be so in the other. If, however, the transshipment had been made at sea, from an American to a foreign ship, under circumstances of eminent distress, it would have placed the claim on somewhat higher ground; but, even in this case, the committee would hardly have felt themselves authorized to propose a return of the additional duties. The amount of the duty on this importation is not stated in any documents accompanying the petition. If the cargo was re-exported, the ten per cent. additional duty was retained, besides the usual three and a half per cent. deducted from the drawback.

The committee are satisfied, if this claim was allowed, it would lead to many others of a similar nature, and the law being clear and explicit on this head, they are of opinion that the House ought not to grant the prayer of the petitioner, and they recommend that he should have leave to withdraw his petition, with the documents accompanying it.

The report was referred to a Committee of the Whole on Thursday next.

TUESDAY, February 4.

The SPEAKER laid before the House a letter from the Governor of Orleans, covering a petition from the Regents of the University of that Territory, praying a donation of lands.—Referred to the Committee on Public Lands.

An engrossed bill for altering the time for holding the circuit court in the district of North Carolina was read the third time, and passed.

The House went into Committee of the Whole on the bill respecting bonds given by Marshals. After amending the same the Committee rose, and the House ordered the bill to the third reading.

A Message was received from the PRESIDENT OF THE UNITED STATES as follows:

To the House of Representatives of the United States:

Sundry letters relative to Hamet Caramalli, in addition to the documents which accompanied my Message of January 13th, having been sent to the Senate, on their particular request, the same are now transmitted to the House of Representatives also, as the same subject is before them. TH. JEFFERSON.

FEBRUARY 4, 1806.

The said Message was read, and, together with the documents transmitted therewith, referred to the committee appointed, on the thirteenth ultimo, on a Message from the President of the United States respecting the application of Hamet Caramalli, ex-Bashaw of Tripoli.

YAZOO CLAIMS.

Mr. GREGG called for the order of the day on a resolution offered by him to repeal so much of an act as authorizes the appropriation of lands to the Yazoo claimants.

Mr. SMILIE moved to postpone the consideration of this resolution to Monday week, that in the mean time the national business might be transacted, undisturbed by the irritation which this subject generally gave rise to.

Mr. ALSTON declared himself in favor of a compromise by commissioners. If this course should be disagreed to, he would have no objection to agree to the resolution offered by the gentleman from Pennsylvania.

Mr. GREGG trusted the motion for postponement would not prevail. The resolution had been submitted very early in the session. The mover had waived calling it up this day that the national business might be first attended to. In this business the House had progressed to a point, at which it appeared convenient to take up the resolution. Information had been required, which would not probably be received for some days. In the interim a decision might be had on the resolution. The subject had been so long before the House, and had been so fully discussed, that there did not appear to be occasion for much debate, nor did he think the irritation alluded to by his colleague, would take place. He hoped, if the subject was entered upon, the discussion would be conducted with that prudence and temper that were essential to the discovery of truth.

The motion was agreed to—yeas 65.

IMPORTATION OF SLAVES.

On the motion of Mr. SLOAN the House went into a Committee of the Whole on the bill imposing a duty on slaves imported into the United States.

A motion made by Mr. GREGG, requiring the duty to be paid at the time of entry, was agreed to—yeas 54, nays 24.

Mr. J. RANDOLPH moved, with the view of getting rid of the business, that the Committee should rise.

The motion was supported by Messrs. J. RAN-

DOLPH, and HOLLAND, and opposed by Messrs. SMILIE, FISK, SLOAN, and SOUTHARD; and disagreed to—yeas 42, nays 61.

Mr. BIDWELL observed, that it had been objected by several gentlemen, particularly by one of his colleagues, against this bill, laying a duty of ten dollars a head on the importation of slaves, that it would virtually sanction and legalize the practice, by making it a source of revenue. The objection, he thought, was not well founded, because the legality or illegality of such importation was not within the control of the General Government. Congress had no power to prevent the importation until the year 1808. All they were authorized, in the meantime, to do towards its prevention, was to lay a ten dollar duty. If they had authority to prohibit, and instead of a prohibition, should levy a tax, it might be said, with some propriety, that, by so doing, they comparatively encouraged the trade. Or if, after the time when a prohibition can, by the Constitution, be laid, Congress shall suffer a tax only to be continued, the censure may be incurred. He was, therefore, of opinion that the continuance of the tax ought to be limited to that time. Accordingly, he moved to amend the bill by inserting, after the word "hereafter," in the fourth line, the words "and before the year of our Lord one thousand eight hundred and eight."

Mr. SLOAN said, by way of objection, that it was not yet certain that such a prohibition would then be imposed.

Mr. BIDWELL replied, that whether a prohibition should then be adopted or not, he thought it would be objectionable to continue a tax, as Congress will have the power to prevent the practice by prohibition. Indeed, he was convinced that an act might now be passed prohibiting such importation after a limited time; and, if this amendment should be adopted by the Committee, he would move, as a further amendment, an additional section to that effect.

The amendment was adopted.

Mr. BIDWELL.—Mr. Chairman, the Committee having adopted an amendment, limiting the continuance of the proposed tax to the period preceding the year 1808, I will now, in performance of my promise, move an additional section, to prohibit the importation altogether after that time. Before I submit the motion, I beg leave to state some of the reasons which induce me to make it, and on which its propriety must depend. In doing this, it is not necessary to trace the history of the slave trade. It is equally unnecessary to consider it, as it respects the principles of justice and morality. It is sufficient to view it in the light of policy alone, and that only on a national scale. For with the political interests of the particular States, any further than they make a part of the national policy, we have no concern. It belongs not to Congress, but to the constituted authorities of each State to regulate its own internal affairs, in this as well as other respects. The States have adopted their own systems. A gentleman from Virginia has told us that that State complained of it, as one of the grievances to which they were subjected, under the British Crown, that the King in Council negatived the acts of their Legislature, prohibiting any further importation of slaves; and that, as soon as they were freed from British shackles by the Revolution, they passed a prohibitory act. The policy was honorable and just. Other gentlemen have mentioned similar laws in their respective States. I may be permitted to add, that the State which I have the honor in part to represent in this House, has gone further. Our Constitution has declared that "all men are born free." The construction given to this Constitutional declaration by our Supreme Judiciary is, that no person properly belonging to the States can be a slave. Thus slavery was abolished at once; and however dangerous such an experiment might be in some other States, it was there effected with perfect safety, as the number of slaves was small. Although I rejoice in this total abolition of slavery in Massachusetts, I would not, as an inhabitant or representative of that State, wish to interfere with the internal regulations of other States respecting the condition of their inhabitants; nor would I consider the question of prohibition, now before us, on any other than national grounds. No political truth, however, is plainer to my mind, than that a further importation of slaves is contrary to the true interest of the United States. It will weaken us as a nation; it will render us more vulnerable in many points; it will increase the danger of insurrections within, and invasions from abroad. The maxims of sound policy, therefore, urge us to prevent such further importation, as far as it may be practicable. We ought not to rest satisfied with State prohibitions, even if every State had prohibitory laws. It is a great national interest, and ought to be guarded by an act of the National Legislature, if indeed it is within our Constitutional limits. On this point I am sensible a new doctrine has been broached and held by some gentlemen whose judgments I value very highly in other cases, although I differ from them in this, that the importation of slaves cannot be prohibited by Congress, even after the year 1808. The sum of the reasoning, in which this novel doctrine is attempted to be supported, is, that the clause in the Constitution providing that the importation of such persons as any of the existing States might think proper to admit shall not be prohibited prior to 1808, is a mere negative provision, without any positive words of grant, and does not consequently give Congress a power to lay such a prohibition after that time; and all powers not delegated are reserved. I agree, sir, that this clause grants Congress no authority on the subject although it evidently implies that such authority is granted in some other part of the Constitution; for it would be useless and nugatory to restrain until a certain time the exercise of a power which does not exist, and cannot therefore be exercised at all. The framers of the Constitution must have understood, that, without such a restriction, Congress might proceed to an immediate prohibition; and that, notwithstanding the restriction, a prohibition may be laid after the limited time. The authority in question is un-

doubtedly vested in Congress: it is fairly included in the general power to regulate commerce with foreign nations. As a part of the regulation of commerce, Congress may directly prohibit the importation of any article of commerce; or may do it indirectly, by prohibitory duties. The prohibition may be applied to any article which is a subject of merchandise, as everything is which is liable to be bought and sold. Such is a slave. The very principle of slavery is that the slave is the property of his master, subject to transfer by bargain and sale. This is indeed to be lamented, as the gentleman from Virginia has justly observed, but it is nevertheless true. Slaves are therefore articles of merchandise, and, as such, their importation may be prohibited.

The Constitutional restriction applies only to the importation, not the exportation, of slaves; and it extends only to the States existing at the date of the Constitution, and not to the Territories of the United States. Accordingly, Congress have already, by law, prohibited the importation of slaves into the Territories. There are also two acts prohibiting the exportation of slaves from the United States to any foreign port or place, and the transportation of slaves by citizens of the United States, or in vessels of the United States, from one foreign port or place to another. Under what authority were these prohibitory laws created? Under the general power to regulate commerce. The same authority will equally warrant a prohibition of the importation of slaves into the United States after the time specified in the Constitution. But can we now pass an act for that purpose? I think we may, consistently with both the spirit and the letter of the Constitution. The object of the restrictive clause was, to secure to every State which might wish to exercise it, a right to admit slaves until the time limited. The limitation has reference to the termination of this right by the commencement of a prohibition, and not to the date of the act by virtue of which such prohibition might be introduced. The words are, the importation "shall not be prohibited by Congress prior to the year 1808." If we now pass an act prohibiting, after that time, such importation, it is clear that, until that time, the law will not take effect—the prohibition will not commence; in other words there will be no prohibition. In the language of the Constitution, the importation will not be prohibited prior to the year 1808. The act will, in this respect, be like many others which go into operation not immediately after their passage, but at a specified future day. This is not an unusual mode of legislation.

Being satisfied that we are now authorized to legislate on the subject, I think it is expedient to adopt a permanent prohibition, and to make it a part of the present bill. This is a delicate and irritating subject. Judging of the sentiments of others by my own, I believe most of us are reluctantly called to act on it at all. But we cannot avoid giving our vote upon the bill; and, while we are about it, let us go through and finish the business. An intermediate tax alone will not complete it. To render the system entire it is necessary to add a final prohibition. To do it on the present occasion, will effect a saving, not only of time, but also of the unpleasant feelings which may otherwise be excited by another agitation of the subject. Some gentlemen have considered the tax objectionable, as they think it has the appearance of being pointed at one State, which alone continues to permit the importation of slaves, and consequently will have all the duty to pay. I submit to those gentlemen whether the addition of a total and permanent prohibition, operating alike upon all the States, without regard to their existing laws, will not remove that objection and reconcile them to the measure? In another point of view, it appears to me reasonable and proper that our system on this subject should be now established, in order that all persons concerned may have seasonable notice of it, that there may be no room for disappointment or surprise, and that the world may know the policy we mean to pursue. For these reasons, and others with which it is not necessary to detain the Committee, I move the following section in addition to the bill under consideration:

Be it further enacted, That, after the last day of December, in the year of our Lord one thousand eight hundred and seven, no person shall directly or indirectly import or cause to be imported, or aid and abet in importing, any person as a slave, into any port or place within the United States, from a port or place without the same; and no person shall sell or buy any person imported as aforesaid into the United States after the said last day of December, one thousand eight hundred and seven, knowing him or her to have been so imported in violation of this act; and every person so offending and being thereof convicted before a district or circuit court of the United States, (which courts shall have cognizance thereof within their respective districts) shall, for every such offence, forfeit and pay a sum not exceeding —— dollars, and suffer imprisonment, for a term not exceeding —— years; and any ship or vessel, which, after the said last day of December, one thousand eight hundred and seven, shall, with the knowledge and consent of the owner or owners thereof, be employed in importing any person, or have on board any person for the purpose of being imported, as a slave, contrary to this act, shall be forfeited, together with her tackle, furniture, and apparel, and may be libelled and condemned in the district or circuit court of the United States, for any district, in which such ship or vessel shall be found.

Mr. J. CLAY was sorry this additional section was brought forward. He had strong doubts whether Congress possessed the Constitutional right to legislate on the object of prohibition prior to the year 1808. If this doctrine prevails, where will it end? The Senate and President have a negative upon all our laws. If we legislate upon a subject before any occasion calls for it, what assurance have we, if it be the wish of the people to repeal our laws, that the President and Senate will concur in their repeal? Have we a right, by an adventitious majority, to bind the Union hereafter? If so, it may be contended that we have a right to bind posterity a hundred years hence. No man was more anxious than himself to prohibit this trade, but he could not consent to violate what he conceived a Constitutional impediment,

to carry a favorite point. He conceived the power at present to pass a prohibitory law beyond their power.

Mr. DANA thought it extremely questionable whether, when the subject-matter was not within their power, they had a right to legislate on it. He should suppose the fair construction of the Constitution was this. The Constitution established a system for the good of all; in delegating powers it says, that some shall not be exercised within a given time; that the States may in the mean time act upon the subjects on which they would be most likely to harmonize. If within this time you act upon subjects calculated to excite State jealousies, one great object of the inhibition will be lost. Under this view of the subject, he thought the observations of the gentleman from Pennsylvania most consonant to the true spirit of the Constitution.

The question was then taken on Mr. BIDWELL'S amendment, which was disagreed to—yeas 17.

Mr. D. R. WILLIAMS proposed a new section prohibiting the introduction, after the passage of this act, into the Territories of the United States, of slaves hereafter imported into the United States.

After a short debate on this motion, the Committee rose, reported progress, and asked leave to sit again.

Mr. J. RANDOLPH opposed leave being given them to sit again, and Messrs. JACKSON and SMILIE supported it.

Mr. D. R. WILLIAMS hoped the Committee would not have leave to sit again. If the object of bringing forward this business was to give gentlemen an opportunity to vent their spleen against the State of South Carolina, they had enjoyed it, when they had painted her conduct in the most odious and detestable colors their ingenuity could invent; when they had cast on that community, in a most unmanly manner, all the opprobrium applicable to an inhabitant of Newgate; and had applied to a whole community what they dare not apply to a single individual of it. South Carolina deserved a far different character from that given her by those gentlemen who had taken upon themselves the task of abuse. Setting aside this one blot he would call upon gentlemen to compare notes. There was not a State in the Union which had appropriated so much money for objects of munificence and improvement, for the encouragement of literature, for the maintenance of the poor. Was South Carolina backward in the Revolutionary contest, or deficient in the number of her patriots or statesmen? There sits the descendant of as brave an officer as ever lived, and in the other branch of the Legislature is to be seen a man who may be called the hero of liberty; a man who in the worst of times did not despair of the Republic. And are we now to be anthematized as depraved and abandoned? There is another reason for not giving leave to the Committee to sit again. Some gentlemen seem determined to plunge us in a war, whether we will or not. Is this a proper time to destroy the harmony that subsists among the different members of this Confederacy? Shall a man spend time in adjusting the tie of his cravat when the hangman's noose is at his neck? Shall we be engaged in our little divisions when the enemy is at our door? As a pledge of harmony and conciliation, I hope the Committee will be refused leave to sit again.

The question was taken at a late hour, and leave given—yeas 73.

WEDNESDAY, February 5.

Mr. JOHN C. SMITH, from the Committee of Claims, presented a bill making an appropriation for the payment of witnesses, and other expenses, on the impeachment of Samuel Chase; which was read twice and committed to a Committee of the whole House on Monday next.

On motion, it was

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of authorizing the Secretary of the Treasury to cause a survey to be made of the shoals of Cape Hatteras, Cape Lookout, and the Frying-Pans, and to have such an examination made of them, respectively, as will ascertain the practicability of erecting a light-house, lighted beacon, or buoy, on or near the extreme points of either of them; and that the committee report thereon by bill or otherwise.

Mr. THOMAS M. RANDOLPH, from the committee appointed on the fifth of December last, presented a bill removing the limitation of the right of suffrage in the Mississippi Territory, and empowering the Legislature thereof to increase the number of Representatives in the General Assembly, by a given ratio to that of Electors; which was read twice, and committed to a Committee of the Whole on Wednesday next.

The SPEAKER laid before the House a letter from Charles Goldsborough, Esq., presenting to Congress, in the name of Mr. Robert Henry Goldsborough, of Talbot county, in the State of Maryland, a copy of the works of the late Baron Bynkershoek, to receive a place in their library.

Resolved, That the Librarian be directed to receive and take charge of a set of the works of the late Baron Bynkershoek, presented to Congress by Robert H. Goldsborough, of Talbot county, in the State of Maryland, and that the SPEAKER be requested to acknowledge, by a letter addressed to the said Robert H. Goldsborough, the acceptance of the said books.

Mr. CLARK moved the following resolution, which was agreed to:

Resolved, That the Secretary of the Navy be requested to inform this House of the nature and extent of the services rendered to the captive crew of the frigate Philadelphia, by the Danish Consul at Tripoli.

Mr. VARNUM observed, that considerable light would be thrown on the extent to which colonial products were exported from the United States, by a statement of the amount of exports for which drawbacks were allowed. He therefore moved the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the amount of the revenue derived to the United States from merchandise, the growth, product, or manufac-

ture of any foreign country, which have heretofore been imported into the United States and exported from the same, during the three last years.

This resolution was agreed to.

TRADE WITH GREAT BRITAIN.

Mr. CROWNINSHIELD observed that the House had, on the third instant, directed the Secretary of the Treasury to lay before them a statement of imports and exports from Great Britain to the United States, for the two last years. It was probable the Secretary would not be able to furnish a statement for the year 1805; but that he could make it for the years 1803 and 1804. Mr. C. said, he had been anxious, when this subject was before the House, to have received a statement for the year 1802. Great Britain seizes our ships, loaded with colonial produce, on the idea that we did not enjoy the colonial trade during a period of peace. Whether this is a fact will be decided by the statement he wished to obtain, as the year 1802 was a period of peace. Mr. C. concluded, by moving a resolution directing the Secretary of the Treasury to lay before the House a like statement of exports and imports for the year 1802, as was directed on the third instant, to be furnished for the last two years.

The House immediately considered this resolution, and agreed to it.

NON-INTERCOURSE WITH GREAT BRITAIN.

Mr. J. CLAY.—The gentleman from Massachusetts having laid on the table a resolution arising out of the present state of our foreign relations, and as that subject is one on which I think there cannot be too much deliberation before we act, or of which too many views cannot be taken, I will take the liberty of submitting some resolutions which I have drawn up, and to which I ask the attention of the House. In the present state of our relations with foreign Powers, it appears to me that a system of commercial regulations, mild and yet firm, one which can be carried into permanent effect without much inconvenience to ourselves, will be more effectual than any temporary expedients. If we are disposed to adopt such a system, it will be looked upon by foreign nations as one in which we are likely to persevere. They will consider its probable effects in time of peace upon their colonial possessions, and they may be induced to enter into permanent regulations opening to us a trade with their colonies. The distinction attempted to be made between a war trade and an accustomed trade will be destroyed, and with it the only pretext upon which are founded the vexations and depredations committed on American commerce. The present is a favorable moment for the adoption of such a plan. At this time the ports of the belligerent Powers are open, and the effect of the measures, which I am about to propose, will not have an immediate distressing effect upon the West Indies. If these measures are taken, the Powers of Europe will find that, unless they admit our ships into their colonial ports in time of peace, the trade between their colonies and us will be cut off by a system which will be but slightly injurious to ourselves. I think, I repeat it, that a permanent system, mild but firm, will be more likely to induce Great Britain, in particular, to recede from the unjust pretensions she has set up, than more violent and extreme measures which, from their very nature and their injurious consequences to ourselves, must be necessarily temporary.

Mr. C. concluded, with offering the following resolutions:

Resolved, That after the —— day of —— next, no trade or intercourse in any ship or vessel owned in whole or in part by any citizen or subject of any foreign Government, shall be permitted between the United States or their Territories, and any port or place in the colonies or dominions of any European Power, which trade or intercourse is not permanently permitted by the laws or regulations of such European Power, to be carried on in ships or vessels of the United States.

Resolved, That, after the —— day of —— aforesaid, no goods, wares, or merchandise, shall be exported from the United States or their Territories, in any ship or vessel owned in whole or in part by any citizen or subject of any foreign Government, to any port or place in the colonies or dominions of any European Power, the importation of which into such port or place, in ships or vessels of the United States, is not permanently permitted by the laws or regulations of such European Power.

Resolved, That, after the —— day of —— aforesaid, no goods, wares, or merchandise, shall be imported into the United States or their Territories, in any ship or vessel owned in whole or in part by any citizen or subject of any foreign Government, from any port or place in the colonies or dominions of any European Power, the exportation of which from such port or place, in ships or vessels of the United States, is not permanently permitted by the laws or regulations of such European Power.

Resolved, That, after the —— day of —— aforesaid, no goods, wares, or merchandise, shall be imported into the United States, in any ship or vessel owned in whole or in part by any citizen or subject of any foreign Government, excepting articles of the growth, produce, or manufacture of the colonies or dominions of such foreign Government, unless such importation be expressly permitted by treaty between the United States and such foreign Government, or unless during a war in which the United States may be a party.

The House immediately considered these resolutions, and referred them to a Committee of the Whole on the state of the Union.

IMPORTATION OF SLAVES.

The House again resolved itself into a Committee of the Whole, on the bill imposing a duty of ten dollars on every slave imported into the United States.

Mr. D. R. WILLIAMS said, as the advocates of the bill seemed to think the amendment he had offered intended to defeat it, he would withdraw it, and make it the subject of a distinct resolution.

Mr. JACKSON offered a new section, the object of which was to prohibit the importation into the United States of all slaves, brought either from abroad or from any State, except, in the latter case, by citizens of the United States removing to a Territory to settle therein.

Mr. JACKSON viewed this provision as necessary, in consequence of a legal construction given to an act of the last session, which allowed the importation of slaves from abroad into Louisiana.

This motion was opposed by Messrs. ALSTON, ELY, MORROW, SPALDING, and SLOAN, who either viewed it as inexpedient in itself, or as proper to be introduced into a distinct bill.

Mr. JACKSON said, as it was the wish of his friends he would withdraw the motion, and offer it on another occasion.

No farther amendments having been offered the Committee rose, and reported their agreement to the bill.

The House immediately considered the report.

The amendment limiting the imposition of the tax to the first day of January, 1808, was disagreed to; and the other amendments agreed to.

Mr. JACKSON inquired what the effects would be of the forfeiture of the cargo, in case slaves were smuggled into the United States? Would they be kept in the service of the United States? He did not wish to have anything to do with them.

Mr. JOHN C. SMITH said, he had voted for the resolution; but the defects in the details of the bill were so glaring, that he hoped it would be referred to a select committee, that it might be so modified as to cure these defects; or, that in case it were found insusceptible of modification, it might be rejected. Mr. S. accordingly moved the recommitment of the bill to a select committee.

Mr. JACKSON advocated this motion, and remarked that the proviso of the bill that declared the duty should not be construed as giving a sanction to the importation of slaves, offered an additional reason for either rejecting or recommitting it. How could this language be used with propriety in a law, when the Constitution, the highest authority, authorized the trade?

Mr. QUINCY spoke to the like effect, and further inquired, whether it was the intention of gentlemen to apply the provisions of the bill to slaves navigating the ships of the United States.

Messrs. HASTINGS and SLOAN defended the provisions of the bill as perfectly correct. They observed that slaves were considered as property, as merchandise, and could only, therefore, in the bill be treated as such.

The motion to recommit was lost—ayes 39, noes 61.

Mr. CROWNINSHIELD spoke against the bill, and moved its postponement to an indefinite day.

Messrs. JOHN C. SMITH, TAGGART, and RHEA of Tennessee, supported; and Messrs. SLOAN, ELMER, and SMILIE, opposed the motion; when the yeas and nays were called on it, and were—yeas 42, nays 69, as follows:

YEAS—Willis Alston, jr., George M. Bedinger, Silas Betton, Phanuel Bishop, William Blackledge, Joseph Bryan, William Butler, Levi Casey, Martin Chittenden, Christopher Clark, Matthew Clay, Frederick Conrad, Jacob Crowninshield, Samuel W. Dana, John Davenport, junior, John Dawson, Elias Earle, Peter Early, James Elliot, James M. Garnett, Edwin Gray, James Holland, John G. Jackson, Walter Jones, Thomas Kenan, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Timothy Pitkin, jr., Thomas M. Randolph, John Rhea of Tennessee, Thomas Sanford, O'Brien Smith, Thomas Spalding, Samuel Taggart, Samuel Tenney, David Thomas, Thomas W. Thompson, David R. Williams, and Thomas Wynns.

NAYS—Isaac Anderson, John Archer, Joseph Barker, John Blake, jr., Thomas Blount, Robert Brown, John Chandler, John Claiborne, Joseph Clay, Leonard Covington, Richard Cutts, Ezra Darby, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, David Hough, Nehemiah Knight, John Lambert, Michael Leib, Joseph Lewis, junior, Matthew Lyon, Patrick Magruder, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Pugh, John Rea of Pennsylvania, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Lewis B. Sturges, Philip R. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Alexander Wilson, and John Winston.

Mr. JACKSON moved to strike out the proviso of the bill, which motion was disagreed to; when the bill was ordered to be engrossed for a third reading to-morrow—ayes 69.

THURSDAY, February 6.

Another member, to wit: from South Carolina, RICHARD WINN, appeared, produced his credentials, was qualified, and took his seat in the House.

Several petitions of sundry inhabitants of the State of Pennsylvania, were presented to the House and read, praying an amendment of the second section of the third article of the Constitution of the United States, which extends the judicial power of the United States to controversies between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Ordered, That the said petitions be severally referred to the Committee of the whole House on the state of the Union.

The bill laying a duty of ten dollars on every slave imported into the United States, was read a third time.

Mr. JOHN C. SMITH stated, in a more detailed way, the objections previously offered to the provisions of the bill, and moved its recommitment to a select committee, in which the House concurred without a division.

A confidential Message was received from the President of the United States about 12 o'clock: Whereupon, the galleries were cleared. They remained cleared until near 4 o'clock, when the House adjourned.

FRIDAY, February 7.

A memorial and petition of the American Convention for promoting the abolition of slavery, signed by Gersham Craft, their President, was presented to the House and read, praying that the act of Congress, passed on the tenth day of May, one thousand eight hundred, entitled "An act in addition to the act to prohibit the carrying on the slave trade from the United States to any foreign place or country," may be so far amended, that the forfeitures therein declared may inure, one moiety thereof to the use of the informer, and the other moiety to the use of the United States; that written testimony, taken in the form prescribed to maintain civil suits, may be received and have effect in the district and circuit courts of the United States; and that persons convicted of offences against the said act, may be disqualified to hold any office under the United States.

Referred to Messrs. FINDLEY, STANTON, ELY, MARION, and NICHOLSON, to examine and report their opinion thereupon to the House.

Mr. GREGG, from the Committee on Public Lands, reported that it was expedient to pass without amendment the bill received from the Senate, to repeal so much of an act to regulate a grant of land to the French inhabitants of Galliopolis, as requires the actual settlement of the land.

Mr. GREGG observed that the committee had been induced to make this report in consequence of the terms of a former law not having been complied with, from a number of tracts belonging to minors, and from several tracts being so broken as not to admit of settlement; and inasmuch as no condition of settlement had been attached to any other lands of the United States.

The House ordered the bill to a third reading to-morrow.

On motion of Mr. D. R. WILLIAMS the House came to the following resolution:

Resolved, That a committee be appointed to inquire whether any, and if any, what additional provisions are necessary to prevent the importation of slaves into the territories of the United States.

A committee of five members were appointed.

The House then went into a Committee of the Whole on the bill fixing the compensation of the officers of the two Houses.

At the instance of Mr. TALLMADGE, the bill was so modified as to repeal the existing law, and to form a new one, fixing the compensation of the respective officers at their present rates, excepting the compensations of the Sergeant-at-Arms, and Doorkeepers of the two Houses, which are fixed at $950 a year, and the Assistant Doorkeepers at $900 each, with an inhibition to make any addition to the fixed compensations of the officers by an allowance out of the contingent fund.

The bill was ordered to be engrossed for a third reading on Monday—ayes 69.

On motion of Mr. CROWNINSHIELD the House came to the following resolution:

Resolved, that the Secretary of the Treasury be directed to lay before this House a statement of the exports from the United States of all foreign goods, wares, and merchandise, during the last three years, which have not been particularly directed to be made by the resolution of the third and fifth instant.

On motion of Mr. MARION, the House went into a Committee of the Whole on the bill declaring the assent of Congress to an act of the State of South Carolina, authorizing the imposition of a tonnage duty by the City Council of Charleston.

After considerable debate, the Committee rose and reported the bill with sundry amendments, in which the House concurred, and ordered the bill to be engrossed for a third reading on Monday—ayes 65.

The House resolved itself into a Committee of the Whole on a bill declaring the assent of Congress to an act of the State of North Carolina. The object of the bill is to give to Tennessee power to perfect titles to lands granted by North Carolina, agreeably to a compact between the two States. Having passed through the Committee without amendment, the House took it into consideration: when, after some explanations relative to the nature of the bill, it was ordered to a third reading on Monday.

JOURNAL OF THE HOUSE.

Mr. LEIB said he had long been of opinion that the present mode of keeping the Journal of the House was incorrect. He had always thought that the name of the mover of every proposition should appear on the Journal, and that the Journal should be so kept as to enable the people to be fully acquainted with the proceedings of their Representatives. To make an inquiry on this subject, he offered the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of amending the standing rules and orders of the House so far as to prescribe the mode of keeping the Journal.

Mr. SMILIE considered the motion as unnecessary.

The question was taken and the motion agreed to—ayes 65—and a committee of five members appointed.

AMENDMENT TO THE CONSTITUTION.

Mr. J. RANDOLPH, agreeably to notice given by him yesterday, made the following motion:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be submitted to the Legislatures of the several States, which, when ratified and confirmed by the Legislatures of three-fourths of the said States, shall be valid and binding as a part of the Constitution of the United States:

The Judges of the Supreme, and all other courts of the United States, shall be removed from office by the President, on the joint address of both Houses of Congress requesting the same.

The House having agreed to consider the motion, it was, at the instance of Mr. J. RANDOLPH, referred to a Committee of the Whole on the state of the Union.

Mr. J. RANDOLPH gave notice that he should call up this motion on Thursday.

NAVAL PEACE ESTABLISHMENT.

The House went into a Committee of the Whole on the bill relative to a Naval Peace Establishment.

Mr. GREGG explained at some length the provisions of the bill. The bill he said, corresponded with the intimations of the President relative to giving an opening to the promotion of several officers who had greatly distinguished themselves in the Mediterranean service. He stated that the bill contemplated giving the President power to keep in service nine hundred and twenty-five able and ordinary seamen and boys, making two-thirds of the full complement of six frigates, two of forty-four guns, two of thirty-six, and two of thirty-two; that it contemplated the increasing the number of captains from ten to thirteen; the creation of nine masters commandant, and the increase of lieutenants from thirty-six to seventy-two. This arrangement was proposed, in order to give to the young officers in the navy that rank and reward merited by them, and to enable the doing this, without interfering with the rules of promotion usual in the naval service.

Mr. LEIB spoke against the feature of the bill that augmented the number of officers. It appeared to him, indeed, a pension bill, and to make large allowances without services rendered. It also contemplated the keeping six frigates in service, and provides for them thirteen captains, nine master-commandants and seventy-two lieutenants. He did not consider the Treasury in such a state of overflow as to justify this liberality.

Mr. GREGG said the gentleman had misunderstood his remarks as well as the nature of the bill, which, so far from directing six frigates to be kept in actual service, repealed that part of a former law which contained this provision.

No motion having been made to amend the bill, the Chairman proceeded in the reading of the remaining sections; When

Mr. GOLDSBOROUGH expressed his opinion that the bill required considerable amendment, and that he had understood from the Secretary of the Navy that its provisions were not consonant to that system which he considered the most conducive to the public service. With a view to obtain fuller information relative to the subject, he moved that the Committee should rise and ask leave to sit again.

This motion obtained, without opposition, when the Committee rose and received leave to sit again.

MONDAY, February 10.

Another member, to wit: DUNCAN MCFARLAND, from North Carolina, appeared, produced his credentials, was qualified, and took his seat in the House.

The bill sent from the Senate, entitled "An act to authorize a grant of lands to the French inhabitants of Galliopolis, and for other purposes therein mentioned," was read the third time and passed.

An engrossed bill declaring the assent of Congress to an act of the General Assembly of the State of North Carolina was read the third time and passed.

An engrossed bill supplementary to "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives" was read the third time and passed.

Mr. TENNEY, one of the members for the State of New Hampshire, presented to the House certain resolutions of the Legislature of the State of New Hampshire, "proposing an amendment to the Constitution of the United States, so as to authorize and empower Congress to pass a law, whenever they may deem it expedient, to prevent the further importation of slaves, or people of color, into the United States, or any part thereof;" which were read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from Christopher Greenup, Governor of the State of Kentucky, transmitting a memorial of the General Assembly of the said State, together with sundry documents in relation to the Ohio Canal Company; which were read and referred to Mr. BOYLE, Mr. DICKSON, Mr. T. W. THOMPSON, Mr. J. MORROW, Mr. HASTINGS, Mr. TRIGG, and Mr. DARBY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of John G. Macan and others, managers on behalf of "the Louisiana Company," inhabitants of the State of Ohio, was presented to the House and read, praying a grant of the public lands, on parts adjacent to the river Mississippi, and in the neighborhood of St. Louis, on such terms and under such restrictions as Congress may judge proper, to aid them in establishing a colony, consisting of all such mechanics and professional characters as may be necessary to the welfare of the intended settlement.—Referred to the Committee on the Public Lands.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and to provide for a light-house on Wood island; which was read twice and committed to a Committee of the Whole on Wednesday next.

Mr. C., from the same committee, to whom was referred, on the twenty-seventh of December last, a resolution of the House "to inquire into the propriety of erecting the port of Newcastle, in the district of Delaware, into a port of entry," made a report thereon; which was read, and referred to a Committee of the Whole on Thursday next.

On motion of Mr. DANA,

Resolved, That a committee be appointed to consider and report whether any amendments should be made in the standing rules of the House relative to confidential communications.—Referred to a committee of five members.

The bill declaring the consent of Congress to the act of the Legislature of South Carolina authorizing the imposition of a tonnage duty by the City Council of Charleston was read a third time.

Messrs. J. CLAY and MARION supported, and Mr. CROWNINSHIELD opposed the bill, which, on the question being taken, was passed—yeas 52.

IMPORTATIONS FROM GREAT BRITAIN.

Mr. NICHOLSON said he wished to lay on the table a resolution relative to the subsisting differences between the United States and Great Britain, on which several resolutions had already been offered. When this subject first came into notice, at an early period of the session, he had foreseen that it might lead to the proposition of plans which might deeply affect the revenue of the Government. He was, therefore, anxious that it might be referred to the Committee of Ways and Means, in whose hands the superintendence of the revenue was placed. To this committee it was referred in the first instance. But the House afterwards thought fit to discharge that committee from its consideration, and to refer it to a Committee of the Whole on the state of the Union.

Mr. N. observed that it was with great deference that he undertook to offer any resolutions embracing objects of such importance as the differences between Great Britain and this country. If the subject had remained with the Committee of Ways and Means, or with any other select committee, a set of resolutions in a digested form might have been expected, and it might have been shown in what manner and to what extent the revenue would probably be affected. When, however, resolutions were offered by individual members, it was impossible to offer any such calculations, and the subject would consequently come before the House in an undigested form.

Mr. N. said he had seen two propositions, neither of which he liked. One was a resolution offered by a gentleman from Pennsylvania, (Mr. GREGG.) When he considered that our importations from Great Britain amounted annually to about twenty-five millions of dollars, and that the whole of this trade was, according to the proposition of the gentleman, to be prohibited; and it was also considered that the average amount of duties on articles imported from Great Britain was twenty per cent., it would at once be seen that the measure would affect the revenue to the amount of five millions annually.

Nor did it, in offering these resolutions, appear to have been taken into view, that while the measure had a very material effect on the revenue, it had likewise an immediate effect on the habits of our citizens who consumed goods imported from Britain. With regard to the single article of cotton, its prohibition would operate in three different ways. In the first place, the wants of our people will be increased in proportion to the prohibition of cotton goods; in the second place, the revenue would be affected by it; and in the last place, it was extremely probable that the foreign demand for the raw material we furnish would be considerably diminished. A single fact would evince this with some force. In the year 1791, there were exported to Liverpool 64 bales of cotton; and in the first nine months of 1805 there had been exported to the same place 93,000 bales. This would show what the effect might be of the prohibition of the importation of articles manufactured from cotton in Great Britain on the demand for the raw material we furnish.

Mr. N. said he had seen another proposition, not offered, indeed, in the House of Representatives, but elsewhere, (alluding, it is supposed, to the report of a committee in the Senate,) which did not go to the extent of the motion by the gentleman from Pennsylvania, and therefore was not so deleterious in its effects, but which, in his judgment, was extremely objectionable. This proposition went to prohibit the importation of woollens of all descriptions, linens, nails, hats, looking-glasses, rum, hardware, slate, salt, coal, boots, shoes, ribbons, silks, plated and glass wares.

In this list there were four articles of great importance with which we are supplied from Great Britain, which our habits, at least, have enrolled on the list of necessaries, and with which we cannot be supplied either by ourselves or by other nations. With coarse woollens we are supplied altogether from Great Britain, and we cannot procure them elsewhere. Mr. N. said he had taken some pains to inquire into the state of the German manufactures, and he was convinced, from the information he had received, that we could get, neither from Germany nor Holland, those coarse cloths which are extensively consumed in the Middle and Southern States, and he presumed throughout the whole country, except by those who moved in the higher walks of life. In Holland and Brabant there were some such manufactures, but they were too narrow to supply us with any considerable quantity of them.

That kind of rum which we derive from Jamaica, Antigua, and Barbadoes, and from which a large revenue is obtained, Mr. N. presumed was not to be got elsewhere; as the whole of this article which was imported into the United States was consumed, and no part of it exported, it followed of course that the revenue would be diminished in proportion to the extent of the prohibition.

The manufactures of Birmingham and Sheffield, going generally by the name of hardware, could be got no where else. The whole of these imported were consumed in the United States, and their prohibition would have the same effect on our revenue.

Of salt, which was imported from different countries, and which amounted annually to three and a half millions of bushels, not more than the one-hundredth part was exported. By diminishing the quantity imported, we both increase the price of the article and decrease the amount of the revenue.

Mr. N. said, that the course which seemed to him most proper, was to select among the manufactures of Great Britain such articles as we import from thence, and can supply ourselves with by our own industry, or obtain from other countries. This would present to Great Britain a plan that would at once be seen to be practicable. By laying a prohibition on the importation of all articles received from Great Britain or her colonies one of two effects must ensue. Either we

shall be laughed at by Great Britain and other European Powers for adopting a system altogether impracticable, because we cannot adhere to it; or we shall furnish to her Minister, whose character for decision is well known, a pretext for sweeping the ocean of every dollar of American property afloat on it.

If, on the contrary, we adopt a system which is practicable, to which it is seen that we can adhere without injuring ourselves, and which will materially affect Britain, we may hope that measures will be taken by her Government for the adjustment of our differences, and the rendering us complete justice.

Mr. N. then submitted the following resolution:

Resolved, That, from and after the —— day of —— next, the following articles, being of the growth, or manufactures of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, ought to be prohibited by law from being imported into the United States, or into the territories thereof, viz:

All articles of which leather is the material of chief value; all articles of which tin or brass is the material of chief value, tin in sheets excepted; all articles of which hemp or flax is the material of chief value; all articles of which silk is the material of chief value; woollen cloths, whose invoice prices shall exceed ——; woollen hosiery of all kinds; window glass, and all other manufactures of glass; silver and plated wares; paper of every description; nails and spikes; hats; clothing ready made; millinery of all kinds; playing cards; beer, ale, and porter; and pictures and prints.

Mr. NICHOLSON concluded by remarking that he would not undertake to say that he had made the best selection of articles. It was with great diffidence he had made the selection. He would, however, offer it at this time, that gentlemen might give their attention to it, and be prepared to enter on its discussion when the subject came before the House. He submitted these propositions at this time, to avoid any delay which might arise from withholding them till the House should have entered upon the subject.

This resolution was immediately considered by the House, and referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

On motion of Mr. G. W. CAMPBELL, certain resolutions offered on the 3d of January, 1794, by Mr. Madison, on the differences at that time subsisting between the United States and Great Britain, were ordered to be printed.

WEST INDIA TRADE.

Mr. CROWNINSHIELD said, the gentleman from Maryland (Mr. NICHOLSON) had offered several resolutions prohibiting the importation of sundry articles of British manufactures into the United States. Mr. C. observed that he had another project which he wished to submit, relative to our trade with the British West Indies. He did not mean at this time to discuss the subject, either so as far it was connected with the propositions of the gentleman from Maryland, or with that of the gentleman from Pennsylvania, which went to a much greater extent. But with regard to one idea expressed by the gentleman from Maryland, he thought it proper to say a few words. That gentleman had observed that the proposition offered by the gentleman from Pennsylvania would affect the revenue to the amount of five millions of dollars; and therefore impressed upon the House the duty of being extremely cautious in taking such a step. Mr. C. said he did not believe the adoption of that proposition would affect the revenue to any such extent. He did not believe it would affect the revenue to the amount of a million of dollars. Because, although we should prohibit the importation of British goods, we could get most of the same articles from other countries. We get salt from Cadiz, and Lisbon, and from several other places. Rum could be got from every island in the West Indies; and if we should not be able to get a sufficient quantity of it to supply our wants, we could import from France brandies, which will be a good substitute. We may also get woollens from the continent of Europe, and every article on the list, perhaps at higher prices. It was not, however, Mr. C. said, his object at this time to discuss the merits of either proposition. His chief object was to offer his own project, which related to the West Indies. Every one knows that those islands are dependent on the United States for the necessaries of life; that they cannot get many important articles they absolutely want from other countries. Every one knows that for fish, beef, pork, and lumber, they are dependent on us, inasmuch as they cannot get them elsewhere. How is the trade carried on? Great Britain has adopted a curious commercial principle, bottomed on the principle of her navigation act; which in time of peace almost amounts to a prohibition to introduce into her islands any articles of ours; and which in time of war opens the ports of a few of her islands for the introduction of particular articles for three or six months. Mr. C. said he wished to see this trade permanently open to the citizens of the United States. He thought it probable this might be done by the adoption of his plan. The gentleman from Pennsylvania had offered a proposition which was calculated to meet in part the practices of Great Britain. The first resolution related to trading to the West Indies in foreign vessels, and not in vessels of the United States. Every one knew that in the trade between the United States and the West Indies there were either none, or very few foreign vessels.

Mr. C. then offered the following resolution:

Resolved, That, from and after the —— day of —— next, no goods, wares, or merchandise, shall be exported from, or imported into, the United States or the territories thereof, in any ship or vessel whatever, to or from any European colonies or settlements, situated on the eastern side of the continent of America, or its adjacent seas, northward of the Equator, unless the importation of all articles of the growth, product, or manufacture of the United States and their territories, in American bottoms, is at all times admitted into the said colonies, or settlements, and unless the exportation of the productions of the said colonies, or settlements, is permanently allowed in American bottoms from the same to the United States, and the territories thereof.

The resolution was considered, and referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

DRAWBACK.

The House went into a Committee of the Whole on the bill to extend the time for taking the oath, and giving bond in cases of drawback, and for other purposes.

On the second section, which is as follows:

"That the Secretary of the Treasury be, and he is hereby authorized and empowered to extend the benefit of drawback, in cases which have happened since the passage of the act of March 2, 1799, entitled, "An act to regulate the collection of duties on imports and tonnage," where the persons claiming such benefit have omitted to take the oath and give bond within the ten days proscribed by law: *Provided*, The Secretary of the Treasury shall be satisfied that such omission was caused by unavoidable accident, and that no fraud was intended thereby to be committed against the revenue laws of the United States; and provided, also, that satisfactory proof shall be exhibited to him that the goods, wares, and merchandise, on which the drawback is claimed, have been landed without the limits of the United States.

A long debate ensued, which continued beyond the usual hour of adjournment, in which Messrs. J. CLAY, LEIB, ELMER, NICHOLSON, CROWNINSHIELD, N. WILLIAMS, and SLOAN supported; and Messrs. HOLLAND CLARK, J. C. SMITH, JACKSON, BIDWELL, CONRAD, MACON, and SMILIE, opposed the section.

When the question was taken on the striking out the section, and carried—yeas 70.

The second and third sections, bottomed on the second, were also struck out.

The Committee then rose and reported their disagreement to all the sections except the first. The House immediately considered the report.

Mr. J. C. SMITH spoke in favor, and Mr. CROWNINSHIELD against concurring in it; when the House adjourned without coming to a decision.

TUESDAY, February 11.

Mr. J. C. SMITH, from the Committee of Claims, presented a bill for the relief of the Governor, Judges, and Secretary of the Indiana Territory; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. S., from the same committee, to whom was referred on the fifteenth ultimo, the memorial of Peter Landais, made a report thereon; which was read, and ordered to be referred to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Seth Harding, late a captain in the Navy of the United States;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act for the relief of Seth Harding, late a captain in the Navy of the United States," was read twice and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati, and State of Ohio;" and also, a bill, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati, and State of Ohio," was read twice and referred to the Committee on the Public Lands.

The bill sent from the Senate, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase," was read twice and committed to the Committee of the Whole to whom was committed, on the fifth instant, the bill making an appropriation for the payment of the witnesses, and other expenses, on the impeachment of Samuel Chase.

Ordered, That the Secretary of the Treasury cause to be printed for the use of the members of both Houses, the report to be made to this House, in pursuance of the several resolutions of the House, passed on the third, fifth, and seventh days of the present month.

DRAWBACK.

The House took up the unfinished business of yesterday, being the report of a Committee of the whole House, to strike out the 2d, 3d and 4th sections of the bill to extend the time for taking the oath, and giving bond in cases of drawback, and for other purposes. The sections are as follows:

"SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he hereby is, authorized and empowered to extend the benefit of drawback, in cases which have happened since the passage of the act of the second day of March, in the year one thousand seven hundred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage," where the persons claiming such benefit have omitted to take the oath and give bond within the ten days prescribed by law: *Provided*, The Secretary of the Treasury shall be satisfied that such omission was caused by unavoidable accident, and that no fraud was intended thereby to be committed against the revenue laws of the United States. *And, provided also*, That satisfactory proof shall be exhibited to him that the goods, wares, and merchandise, on which the drawback is claimed, have been landed without the limits of the United States.

"SEC. 3. *And be it further enacted*, That, before relief shall be granted by the Secretary of the Treasury as aforesaid, the person or persons applying for the same shall take the oath and give bond, in like manner as is now required by law.

"SEC. 4. *And be it further enacted*, That nothing in this act contained shall be construed to extend the allowance of drawback upon any goods, wares, and merchandise, which have been heretofore exported to New Orleans, and upon which the drawback may remain, at this time, unpaid."

On concurring in this report a lengthy debate ensued. Messrs. JOHN C. SMITH, JACKSON, BEDINGER, and HOLLAND, spoke in favor of concur-

ring; and Messrs. LEIB, CROWNINSHIELD, NEWTON, BROOM, J. CLAY, and ELMER, against concurring in the report. When the question was taken by yeas and nays, on concurrence, and carried—yeas 71, nays 45, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, Robert Brown, John Boyle, Joseph Bryan, William Butler, Levi Casey, John Chandler, Martin Chittenden, Christopher Clark, Matthew Clay, Frederick Conrad, Samuel W. Dana, John Davenport, jr., William Dickson, Elias Earle, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, John Hamilton, William Helms, James Holland, David Holmes, John G. Jackson, Thomas Kenan, Nehemiah Knight, Joseph Lewis, jr., Duncan McFarland, Patrick Magruder, David Meriwether, Thomas Moore, John Morrow, Gideon Olin, Timothy Pitkin, jr., John Rea of Pennsylvania, John Rhea of Tennessee, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Cotton Smith, John Smith, Henry Southard, Thomas Spalding, Richard Stanford, Benjamin Tallmadge, David Thomas, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—John Archer, David Bard, Joseph Barker, Phanuel Bishop, John Blake, jr., James M. Broom, John Claiborne, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, Peter Early, Ebenezer Elmer, William Findley, James Fisk, Isaiah L. Green, Silas Halsey, Seth Hastings, Michael Leib, Henry W. Livingston, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, John Pugh, Josiah Quincy, Thomas M. Randolph, Jacob Richards, John Russell, O'Brien Smith, Samuel Smith, Joseph Stanton, Samuel Taggart, Philip Van Cortlandt, Daniel C. Verplanck, John Whitehill, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

Mr. J. RANDOLPH said he had a report to make which, according to the rules of the House, required the galleries to be cleared. They were accordingly cleared for a few minutes; when the House adjourned.

WEDNESDAY, February 12.

Mr. GREGG, from the Committee on the Public Lands, to whom was referred, on the eleventh instant, the bill sent from the Senate, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati, and State of Ohio, reported to the House their agreement to the same, without amendment.

Ordered, That the said bill be recommitted to a Committee of the Whole on Monday next.

Mr. P. R. THOMPSON reported a bill authorizing the erection of a bridge across the Potomac, within the District of Columbia; which was referred to a Committee of the Whole on Friday.

Mr. MAGRUDER presented a petition from sundry inhabitants of Georgetown, praying that if Congress determine to authorize the erection of a bridge across the Potomac, it may be at a point above Georgetown.—Referred to the same Committee.

LIMITS OF GEORGIA.

Mr. SPALDING, from the committee to whom was referred, on the thirteenth ultimo, the memorial of the Legislature of the State of Georgia, made a report thereon, which was read, as follows:

The committee to whom was referred the memorial of the Legislature of the State of Georgia, respecting disputed limits between that State and the State of North Carolina, having taken into consideration the matter of the said memorial, as well as such information as the documents attached to the memorial and former reports made to this House afford, beg leave to submit the following report:

Between the latitude of 35 degrees north, which is the southern boundary claimed by North Carolina, and the northern boundary of Georgia, as settled by a convention between that State and South Carolina, intervenes a tract of country supposed to be about twelve miles wide, from north to south, and extending in length from the western boundary of Georgia, at Nicajack, on the Tennessee, to her northeastern limits, on the Tugalo. This tract was consequently within the limits of South Carolina, and in the year 1787 it was ceded to the United States, who accepted the cession. This territory remained in possession of the United States until 1802, when it was ceded to the State of Georgia. From the most correct information relative to the said territory, it appears that it is inhabited by about 800 souls, and (to adopt the words of a former report) it is not shown at what period they made the settlement, nor had they any title to the land on which they settled and made improvements. No such title indeed could have been created, as those lands remained within the boundary of the Cherokees until the year 1798, when a part of this territory was purchased by a treaty held at Tellico. It does not appear that the lines that bound the tract of land in question, and divide it from Carolina, have ever been established by public authority.

After the transfer of this territory by the United States to Georgia, the Legislature of that State, in compliance with the earnest request of those self-governed people, praying that they might be allowed to participate in the civil rights enjoyed in common by the people of the United States, passed an act in the year 1803 to organize the inhabited part of the territory, and to form it into a county, authorizing, at the same time, the Governor to appoint commissioners, to meet such commissioners as should be appointed by the Government of North Carolina, to ascertain and plainly mark the line dividing this territory from North Carolina. The Governor of North Carolina expressed a readiness to accede to the proposition, under the provisions of a former act of the Legislature of that State, but clogged with a condition which the Legislature of North Carolina refused to depart from, and which the Legislature of Georgia refused to accede to. Her reason may be found in a letter from General Pickens, of the State of South Carolina, attached to a report made to the House respecting that territory while the property of the United States. The letter states, that before the people inhabiting that territory settled on the lands, it was surveyed, and grants obtained for most part of it from the State of North Carolina, and probably by men who cared little whether the land was within the Indian claim or the limits

of South Carolina. Your committee conceive that they have no right to enter into the feelings of either of the parties, or to pronounce upon the justice of the condition made by North Carolina on the one part, or its rejection by Georgia on the other, and have therefore confined their attention to that part of the memorial which calls upon Congress to define and mark out the thirty-fifth degree of latitude—the line which North Carolina admits to bound her State—upon the south and north of which Georgia can have no claim of territory. Your committee, after giving to this point the most deliberate consideration, are of opinion that the United States are bound, in good faith, to use their friendly offices with the State of North Carolina for obtaining an amicable adjustment of the limits of the territory, which they have transferred to Georgia, in all parts where such limits may be disputed.

Your committee, therefore, beg leave to offer the following resolution:

Resolved, That the President of the United States be authorized to appoint a commissioner, to meet such commissioners as may be appointed by the States of North Carolina and Georgia, for the purpose of ascertaining and running the line which divides the territory transferred by the United States to Georgia, from North Carolina.

The report was read, and referred to a Committee of the Whole House on Friday next.

DISTRICT OF COLUMBIA.

Mr. SMILIE submitted the following resolutions:

"*Resolved*, That it is expedient for Congress to recede to the State of Maryland the jurisdiction of that part of the Territory of Columbia which was ceded to the United States by the said State of Maryland, by an act passed the nineteenth day of December, in the year one thousand seven hundred and ninety-one, entitled 'An act concerning the Territory of Columbia and the City of Washington:' provided the said State of Maryland shall consent and agree thereto.

"*Resolved*, That it is expedient for Congress to recede to the State of Virginia the jurisdiction of that part of the Territory of Columbia which was ceded to the United States by the said State of Virginia, by an act passed the third day of December, in the year one thousand seven hundred and eighty-nine, entitled 'An act for the cession of ten miles square, or any lesser quantity of territory, within this State, to the United States, in Congress assembled, for the permanent seat of the General Government:' provided the said State of Virginia shall consent and agree thereto."

Mr. SMILIE stated he had two objects in view in offering these resolutions. The first was, that Congress might be divested of that multiplicity of business which arose from the situation of the territory, which would increase with the growth of population and the progress of society. The other reason was still more important. He wished to see the people of the District restored to their political rights, the deprivation of which was to him a matter of great regret, and which could not be remedied until there was a decided change in their situation. Alluding to the apprehension of the inhabitants that this measure was connected with a removal of the seat of Government, he declared that this was not his object; he, on the contrary, believed the measure would be highly beneficial to the City of Washington.

On considering the resolutions, the House divided—ayes 43, noes 36.

Mr. SMILIE moved a reference of them to a Committee of the Whole on the first day of March.

Mr. LEWIS moved their postponement indefinitely.

Mr. LYON hoped an immediate decision would be had upon them.

Mr. SLOAN hoped some time would be allowed previous to their decision.

The House determined to refer them to a Committee of the Whole—ayes 56.

Mr. CONRAD moved their being made the order for the first Monday in August; which motion was disagreed to—ayes 44, noes 56.

Then on the first Monday of May. Lost—ayes 39.

Mr. NICHOLSON moved Monday next. He said there was much important business relative to the territory before the House, and if the propositions of retrocession were permitted to remain unacted on, they would supersede all attention to the other objects.

Mr. SMILIE acquiescing in making the resolutions the order for Monday next, the House so determined without division.

BRITISH AGGRESSIONS.

Mr. SLOAN.—Mr. Speaker: I trust I am correct, first, in saying that the Representatives of the people, in Congress assembled, are the only tribunal to whom they can look for redress of national grievances and protection in their national rights; and secondly, that every member, as a component part of the National Legislature, has a right to introduce resolutions in such form as he may think best calculated to redress existing grievances, or secure them from future insult and injury.

Notwithstanding several resolutions have been laid on the table respecting the impressment of our seamen by the commanders of British armed vessels, and their depredations on our commerce, I have seen none which I consider fully adequate to the purpose proposed, or couched in that firm and decisive language that I conceive the nature of the case requires. Under this impression, I beg leave to offer a resolution; and, previous thereto, ask the indulgence of the House to offer a few reasons.

Are not the people calling on us from almost every part of the Union? Previous to my leaving home to attend this session, I expected the impressment of our seamen by British armed vessels, and their depredations on our commerce, would have been taken up; but, to my astonishment, more than ten weeks have elapsed, and we are only preparing to discuss this important subject. Is this giving immediate attention to the sufferings of our constituents? But what astonishes me still more is, that by conversation I have had with some members, they appear yet unprepared to do anything decisive.

One member, (Mr. NICHOLSON,) who offered a resolution two days past, objected to a former resolution offered by a gentleman from Pennsylvania, (Mr. GREGG,) from an apprehension that it would

injure our revenue $5,000,000. [Here Mr. NICHOLSON explained, stating that he had only said that it would affect it to that amount.] Another member, from Massachusetts, (Mr. CROWNINSHIELD,) well acquainted with mercantile business, supposed it would not injure it more than $1,000,000.

But I hope, Mr. Speaker, that however pleasing it may be to see our debt diminishing and our revenue increasing, the fear of diminution of revenue will never deter the Congress of the United States from supporting their national rights. I hope we shall not shrink from a temporary evil, to procure a great and permanent benefit.

In hearing the conversation of some members out of doors, and observing the delay that has taken place in the House, this query is extorted from me: Where is the spirit that actuated the noble patriots of Seventy-six, at the risk of life, to oppose the unjust aggressions of Great Britain? Has it fled from our land, or is it only sleeping? I hope the latter; and that it may speedily awake, refreshed and invigorated by its long nap.

But, perhaps, some may conclude that I wish to involve the United States in war. God forbid! I want to prevent war with those horrid engines made to destroy the human species. I want to prevent it by doing to all nations as we would they should do unto us. Are we so doing whilst we permit one of the belligerent Powers to impress and keep on board her vessels of war three thousand of our seamen, to assist in fighting her battles with other belligerent Powers in amity and peace with us? I want the United States to treat Great Britain as they would treat an individual, who, in his dealings, had evidently been unjust; break off all intercourse until reparation is made for past injuries, and security given that they shall not be repeated in future. This line of conduct, I conceive, instead of producing war, would be the most certain means of securing a permanent and lasting peace. In the present state of Europe, can Great Britain do without our trade? Certainly she cannot. It is probable that Bonaparte has, ere this time, prohibited her trade with a considerable part of Europe. Thus circumstanced—trembling for her very existence—if we make a firm, determined demand for reparation of damages, my opinion is that she dare not, that she cannot, or will not refuse.

I will not detain the House, at this time, with a more detailed investigation of the subject; but, knowing it to be the desire of many of our constituents, and hoping that, upon a full examination, it will be the determination of this House to adopt firm and decisive measures for the purpose of obtaining redress for injuries sustained, and to prevent the like in future, I offer the following resolution, hoping the House will commit it to a Committee of the Whole on the state of the Union:

Whereas the commanders of British armed vessels have impressed many American seamen, and compelled them to bear arms on board said vessels, and assist in fighting their battles with nations in amity and peace with the United States; and, also, brought into British ports for adjudication, many merchant vessels sailing under the flag, and owned by citizens of the said United States, where some have been a long time unjustly detained, and others condemned, contrary to justice and the law of nations: For remedy whereof,

Resolved, That in case the Government of Great Britain shall neglect, or refuse, for —— months, to restore all American seamen, impressed and detained as aforesaid, and also discharge all American vessels, detained contrary to the law of nations, making compensation for the loss sustained by such detention, and also, for those condemned as prizes; all trade and intercourse shall thenceforth cease, and be prohibited between these United States and Great Britain and its dependencies, until equitable arrangements shall be made between the two Governments that shall insure a return or compensation for the property unjustly seized and condemned; and also, the restoration of American seamen to liberty and their country. Provided also, that upon such arrangements being made, the President of the United States shall have power, by proclamation, to open trade and commerce, upon the principle of such equitable arrangements between the said United States and Great Britain and her dependencies.

This resolution was immediately considered, and committed to a Committee of the Whole on the state of the Union.

PORT OF PHILADELPHIA.

On the motion of Mr. J. CLAY, the House resolved itself into a Committee of the Whole on the bill declaring the consent of Congress to an act of the State of Pennsylvania entitled "An act to empower the Board of Wardens for the port of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned."

[This bill authorizes the imposition of four cents a ton on all vessels clearing out of the port of Philadelphia, for any foreign port, to be expended in building piers in, and otherwise improving the navigation of the Delaware.]

On this bill, a debate of considerable length arose; Messrs. J. CLAY, FINDLEY, LEIB, and MARION supporting, and Messrs. J. C. SMITH, CROWNINSHIELD, QUINCY, and ELY opposing it.

It was opposed on two grounds—on the ground of unconstitutionality and inexpediency. On the former ground, it was contended that the imposition of the proposed duty was inhibited by that provision of the Constitution which prescribes that, "no preference shall be given by any regulation of commerce, or revenue, to the ports of one State over those of another;" that the object of the bill was, to lay a special tax for the exclusive benefit of the port of Philadelphia—which would be giving a preference to that port over the other ports in the United States; that instead of doing this, in case the navigation of the Delaware required improvement, which was feasible, the better way would be, to draw a sum for this purpose from the general Treasury. It was, however, contended that it was inexpedient to make any provision whatever for this purpose, as it was extremely doubtful whether the object contemplated was practicable, and as the navigation of the Delaware was much better than that of many other streams on which other ports were situated, which,

consequently, had higher claims on the aid of Congress. It was further stated, that the contemplated duty would operate, not merely on vessels belonging to the port of Philadelphia, but likewise on foreign vessels entering therein; and that it was unjust to derive revenue from them for the accomplishment of objects of a local nature.

The advocates of the bill contended that it was strictly Constitutional, in proof of which, they appealed to that part of the Constitution which says, that, "no State shall, without the consent of Congress, lay any duty of tonnage;" which provision exactly met the present case. As to the Constitutional provision quoted on the other side, they observed that it was only made with the view of preventing the adoption of partial regulations of trade or revenue, or the establishment of free ports. They quoted several precedents, by which it appeared, that in several instances, a like authority with that in the bill had been given, and in some cases without any limitation of time. On the ground of expediency, they represented the navigation of the Delaware as seriously obstructed by a shoal, which was every year increasing, and which might, unless measures were taken, operate at some future period to the destruction of the navigation. The tax asked, would be paid exclusively by vessels trading from the port of Philadelphia, and ought not, therefore, to be opposed by those whose interests were not in the least implicated. It was added, that it was strange that, while scarcely a year passed without large appropriations being made from the general Treasury for the erection of light-houses in various parts of the United States, the request of the merchants of Philadelphia to be authorized to subject themselves to a tax for the improvement of the navigation of the only port in Pennsylvania should be opposed.

The question was then put on Mr. CROWNINSHIELD's motion to strike out the first section, which was negatived—yeas 27.

Mr. CROWNINSHIELD moved to amend the bill, so as to confine the duty to vessels belonging to the port of Philadelphia.

Mr. CROWNINSHIELD spoke in favor of, and Messrs. J. CLAY, SLOAN, CONRAD, and ELMER, against this amendment, which was disagreed to—yeas 12.

Mr. CROWNINSHIELD offered an amendment, limiting the duration of the bill to three, instead of seven years.

Mesrs. CROWNINSHIELD, SOUTHARD, and ELY, supported; and Messrs. J. CLAY, LEIB, and SLOAN, opposed it; when the question was put, and the amendment disagreed to—yeas 34, nays 56.

The Committee then rose, and the House ordered the bill to be engrossed for a third reading to-morrow.

THURSDAY, February 13.

Mr. GOODWYN, one of the members from Virginia, presented to the House certain resolutions of the inhabitants of the town of Petersburg, in the said State, expressive of their opinion of the present state of public affairs, and proffering their lives and fortunes in support of the public honor and security, and of such measures of national redress and retribution, as Congress may deem it expedient to adopt; which were read, and referred to a Committee of the Whole on the state of the Union.

An engrossed bill declaring the consent of Congress to an act of the State of Pennsylvania, entitled "An act to empower the Board of Wardens for the port of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned," was read the third time, and passed—yeas 52, nays 27.

A message from the Senate, informed the House that the Senate have passed the bill, entitled "An act for altering the time of holding the circuit court in the State of North Carolina," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the said bill: Whereupon,

Ordered, That the said amendments, together with the bill, be committed to Mr. BOYLE, Mr. STANFORD, and Mr. RHEA of Tennessee.

On motion, it was

Ordered. That the committee appointed on the letter of William H. Harrison, and the memorials and petitions of the Indiana Territory, be discharged from the farther consideration of so much of those memorials and petitions as relates to the donation and pre-emption rights, and the salt springs in that Territory; and that the same be referred to the Committee on the Public Lands.

The bill making extra compensation to the Governor, Judges, and Secretary of the Indiana Territory, allowing each $300 for compiling a code of laws, having passed through a Committee of the Whole, was ordered to be read a third time to-morrow.

The bill from the Senate, making, in addition to the unexpended balances of $1,200, an appropriation of $1,000 a year, for five years, for the support of a library, was read a third time and passed—yeas 68.

PUBLIC LANDS.

Mr. LATTIMORE observed, that in addition to the various objects embraced by several petitions which had been referred to the Committee on Public Lands, relative to lands in the Mississippi Territory, there were others, an attention to which seemed necessary, as well to do justice to individuals, as to facilitate the execution of the business of the land office west of Pearl river. In order, therefore, that the subject might undergo a proper investigation, he begged leave to offer the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire,

Whether it be expedient to confirm any claims to lands in the Mississippi Territory, founded upon Spanish warrants or orders of survey, which were not inhabited and cultivated on the twenty-seventh day of October, one thousand seven hundred and ninety-five, agreeably to the first section of the act, entitled "An

act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee:"

Whether it be expedient to repeal so much of the first section of the said act, as precludes persons under the age of twenty-one years, and not heads of families, from the benefits of the provisions of the section aforesaid:

Whether it be expedient to make provision, by law, for reimbursing pre-emption claimants, in such sums as they may have paid to the United States, in the event of their being evicted of the lands for which such sums may have been paid, by a judicial decision in favor of any grant not derived from the United States:

Whether it be expedient to invest the Commissioners west of Pearl river with such extensive equitable jurisdiction, as may enable them to guard, on the one hand, against the admission of claims, which may be supported by a literal construction of legal provisions, though founded in fraud; and to confirm, on the other hand, those which may not be thus supported, though founded upon principles of equity and justice: And, also,

Whether any, and, if any, what, further amendment ought to be made to the act aforementioned; and that they have leave to report by bill, or otherwise.

The resolution was agreed to.

Mr. G. W. CAMPBELL observed that a law had been passed the last session authorizing the President to cause the lands in the Territory of Orleans to be surveyed. The object of this act was to prepare the lands for sale and settlement. Believing that a settlement of that territory would greatly contribute to its security and prosperity, his wish was to bring the subject directly before the House. Whatever doubts may be entertained of the propriety of encouraging the settlement of Upper Louisiana, he believed no difference of opinion existed as to the expediency of fostering the settlement of the Territory of Orleans by citizens of the United States; which end would be best effected by opening land offices for the sale of lands therein.

Mr. CAMPBELL concluded by moving the following resolution:

Resolved, That —— offices be established for the sale of the lands belonging to the United States within the Territory of Orleans.

Referred to the Committee on Public Lands.

SOCIETY OF HARMONY.

The House went into a Committee of the Whole on the bill received from the Senate, the object of which is to authorize the location of a quantity of land in the Indiana Territory by George Rapp and his associates, they paying two dollars therefor, and giving them a credit, without the payment of interest, for six years, when they are to pay one-fourth of the purchase money, and the residue in six annual payments, on condition that, agreeably to prescribed terms, the vine shall be cultivated.

Mr. MCCREERY stated that George Rapp and his associates, amounting to about 3,000 persons, were natives of the Electorate of Wirtemburg; that they were Lutherans, who had fled from oppression in that country; that they were mostly cultivators of the vine, and wished an extension of the usual time for paying for public lands, they not having the means of the common payment; they wished to live together, and to cultivate the vine for their principal support, for their prosperity, and for the good of the community, in introducing its culture into this country.

Mr. ELY observed that the bill appeared to give a preference in the sale of the public lands; that the bill was presented from the Senate without the documents or testimony which might justify this preference; he therefore moved that it should be committed to the Committee on Public Lands.

Mr. GREGG.—They obtain a whole township of the best land at only two dollars per acre, and it is proposed to extend to them an unusual indulgence in the time of payment. He would not agree to it.

Mr. FINDLEY spoke in favor of the bill.

Mr. CONRAD.—The indulgence of time for payment is not unprecedented. He showed an act granting twelve years for payment where land was purchased for the same purpose, and that act does not bind the purchasers to plant the vine, whereas this does. It were better to make a present of the land than not have the settlement among us of such persons. If not thus sold, it is more than probable that the land will lie waste and unsold more than the six years.

Mr. OLIN.—If we can be justified in a sale of this kind, why oblige foreigners instead of our own countrymen? We have citizens enough of our own who would be glad to purchase on such terms.

Mr. SLOAN.—Though I drink no wine myself, I have no wish to prevent others, for I think it may often be serviceable. I consider the indulgence as to the time of payment in the light of an encouragement or bounty, that may prove useful to us as well as the applicants.

Mr. SMILIE.—I cannot say with the gentleman from New Jersey that I drink no wine, for I certainly do when I can get it. I do not consider it as a valid objection that the petitioners are foreigners. I am myself an European, who have fled from oppression in the country where I was born. How great a part of Pennsylvania is settled by such characters!

Mr. MCCREERY.—The applicants are men of piety and industry. Let us give them a good chance, for our own sakes as well as theirs, to introduce the culture of the grape here.

Mr. FINDLEY.—If this indulgence be not given, the land will lie waste. We wish to populate the territory. Their settlement will enhance the value of the public lands around them.

Mr. ELY.—I am sorry my motion has occasioned so much debate. I was ignorant of the circumstances relating to this society, and to the character of it; my object was information, not an intention to defeat the bill. We deviate from the usual mode, which is to have the report of a committee in cases of this sort.

Mr. GREGG.—This bill very improperly authorizes a deviation from the established practice of selling public lands—it is a change of principle. I do not wish to see so great a body of foreigners settled together; we shall have a little Wirtem-

berg; we must legislate for them; they cannot speak our language; they cannot serve as jurymen, and from the information I have received, I am confident they will not proceed in cultivating the vine in that country.

Mr. BEDINGER.—I am a shareholder in a vineyard in Kentucky, and our success has exceeded our most sanguine expectations.

Mr. MACON.—In order to try the sense of the committee, I move to strike out the words "George Rapp and his associates." Why should we not grant bounties for raising wheat or corn as well as the vine? If wine can be made here to advantage, there is no need of the encouragement of this House. A few years since we raised no cotton, but the profit of this culture once known, it has become an article of vast exportation. What claim have these aliens over our own citizens? They have been oppressed; put your finger on any spot of Europe that is not under oppression. If you commence this new system, all the best sections of land will be taken up in this manner. Who will not purchase on such terms?

Mr. LYON.—Lands not belonging to the public may be had for less than one dollar an acre in many places.

Mr. OLIN.—We have men that can cultivate the vine as well as those foreigners. It is a plain, simple thing.

Mr. JACKSON.—If disposed to grant favors, let us grant to those who have the greatest claim. There are many old soldiers of the Revolution, who would rejoice to purchase land on these terms. Why encourage the making of wines? They are luxuries, not necessaries. Lands on the Ohio are from six to eight dollars in many places; this bill gives the petitioners their choice of the best, and they pay no interest for their purchase, at two dollars.

Mr. SLOAN.—This bill will enhance the value of lands adjoining. It will be a humane act.

Mr. JACKSON.—I rise merely to state a fact I have just now learned. There are at this very time men waiting for the passage of this bill, who are ready to give six dollars per acre for much of the very land the bill contemplates.

Mr. HOLLAND.—Some small tracts only may sell for six dollars. We bind the purchasers to plant the first year 9,000 plants, and 3,000 annually after.

Mr. MORROW, of Ohio.—I rise only to reply to the gentleman from Virginia, (Mr. JACKSON.) I never seek for information in the lobby, nor the gallery, nor Pennsylvania avenue. The gentleman is misinformed.

Mr. JACKSON.—My authority is an honorable member near me—an authority at least as respectable as any the gentleman from Ohio can have.

The question was taken—50 for striking out, 51 against it. The Committee rose, and the House considered the bill.

Mr. CROWNINSHIELD.—There is no interest to be received. I have made a calculation that, considering the want of interest to the time of the last payment, we now get only ninety-seven cents per acre. I move to strike out two, and insert three dollars per acre.

The motion was lost—44 only for it.

Mr. CROWNINSHIELD.—There are in a section about 23,000 acres, making 46,000 dollars. I move to insert six per cent. interest till paid.

Mr. NICHOLSON.—Public lands are sold without interest for a certain time. If the money be not punctually paid, I am willing the debt should be on interest after.

Mr. JACKSON.—I move to postpone the consideration of the bill indefinitely.

The ayes and noes were called for, and taken on this motion—yeas 53, nays 59.

Mr. CROWNINSHIELD'S motion for the insertion of interest was lost—52 to 49.

Mr. D. R. WILLIAMS moved the insertion of two instead of six years for payment of the land. Motion lost—54 to 45. The bill passed to a third reading for to-morrow.

FRIDAY, February 14.

An engrossed bill for the relief of the Governor, Judges, and Secretary, of the Indiana Territory, was read the third time and passed.

Mr. SLOAN, from the committee to whom was referred the bill imposing a duty of ten dollars on every slave imported into the United States reported a bill, with sundry amendments.

The principal feature of the amended bill is a provision, in the case of smuggling slaves into the State of South Carolina, that the Secretary of the Treasury shall be authorized to remove them into some other State and hire them out for a term of years.

Mr. JACKSON moved to reject the bill.

This motion, after a short debate, was negatived. and the bill referred to a Committee of the Whole.

INDIANA TERRITORY.

Mr. GARNETT, from the committee appointed on the eighteenth of December last, to whom were referred the report of a select committee on the letter of William H. Harrison, made the seventeenth of February, eighteen hundred and four; a memorial of the Legislative Council and House of Representatives of the Indiana Territory, and several petitions of sundry inhabitants of the said Territory; made the following report:

That, having attentively considered the facts stated in the said petitions and memorials, they are of opinion that a qualified suspension, for a limited time, of the sixth article of compact between the original States and the people and States west of the river Ohio, would be beneficial to the people of the Indiana Territory. The suspension of this article is an object almost universally desired in that Territory. It appears to your committee to be a question entirely different from that between slavery and freedom, inasmuch as it would merely occasion the removal of persons, already slaves, from one part of the country to another. The good effects of this suspension, in the present instance, would be to accelerate the population of that Territory, hitherto retarded by the operation of that article of compact, as slaveholders emigrating into the Western country might then indulge any preference which they might

feel for a settlement in the Indiana Territory, instead of seeking, as they are now compelled to do, settlements in other States or countries permitting the introduction of slaves. The condition of the slaves themselves would be much ameliorated by it, as it is evident, from experience, that the more they are separated and diffused, the more care and attention are bestowed on them by their masters, each proprietor having it in his power to increase their comforts and conveniences in proportion to the smallness of their numbers. The dangers, too, (if any are to be apprehended,) from too large a black population existing in any one section of country, would certainly be very much diminished, if not entirely removed. But whether dangers are to be feared from this source or not, it is certainly an obvious dictate of sound policy to guard against them, as far as possible. If this danger does exist, or there is any cause to apprehend it, and our Western brethren are not only willing but desirous to aid us in taking precautions against it, would it not be wise to accept their assistance? We should benefit ourselves, without injuring them, as their population must always so far exceed any black population which can ever exist in that country, as to render the idea of danger from that source chimerical.

Your committee consider the regulation, contained in the ordinance for the government of the Territory of the United States, which requires a freehold of fifty acres of land as a qualification for an elector of the General Assembly, as limiting too much the elective franchise. Some restrictions, however, being necessary, your committee conceive that a residence continued long enough to evince a determination to become a permanent inhabitant, should entitle a person to the rights of suffrage. This probationary period need not extend beyond twelve months.

The petition of certain settlers in the Indiana Territory, praying to be annexed to the State of Ohio, ought not, in the opinion of your committee, to be granted.

It appears to your committee that the division of the Indiana Territory, in the manner directed by the ordinance of 1787, and for which the people of Randolph and St. Clair have petitioned your honorable body, would be inexpedient at this time. The people of the two sections have lately entered into the second grade of government, the whole expense of which would fall on the people of one section, if a division were now to be made. This, in the opinion of your committee, would be neither politic nor just. But, although a division of the Territory appears improper at this time, we think it should be made as soon as the population of either section has increased so far as to entitle them to form a State Government. The petition which prays that such a Government may be formed, by uniting the two sections as soon as their inhabitants shall have augmented so far as to authorize it, your committee conceive ought not to be granted. A Territory, when once erected into a State, cannot be divided or dismembered without its own consent; the formation, therefore, of two States out of this Territory, originally intended by the ordinance of 1787, could not constitutionally be effected, if the two sections were once permitted to form one State, without the consent of that State, however necessary the extent and population of that Territory might render such division.

After attentively considering the various objects desired in the memorials and petitions, the committee respectfully submit to the House the following resolutions:

1. *Resolved*, That the sixth article of the ordinance of 1787, which prohibits slavery within the Indiana Territory, be suspended for ten years, so as to permit the introduction of slaves, born within the United States, from any of the individual States.

2. *Resolved*, That every white freeman of the age of twenty-one years, who has resided within the Territory twelve months, and within the county in which he claims a vote, six months immediately preceding the election, shall enjoy the rights of an Elector of the General Assembly.

3. *Resolved*, That the petition of certain settlers in the Indiana Territory, praying to be annexed to the State of Ohio, ought not to be granted,

4. *Resolved* That it is inexpedient, at this time, to grant that part of the petition of the people of Randolph and St. Clair which prays for a division of the Indiana Territory,

5. *Resolved*, That so much of the petition of the Legislative Council and House of Representatives of the Indiana Territory as prays that the two sections may be united into one State Government, ought not to be granted.

Referred to a Committee of the Whole on Thursday next.

SOCIETY OF HARMONY.

The bill allowing George Rapp and his associates to locate a township of land in the Indiana Territory on certain conditions, was read a third time.

Mr. CLARK moved to recommit the bill to the Committee on Public Lands. The bill wants several amendments. There is no penalty, should the petitioners neglect to plant the vines.

Mr. JACKSON.—I second the motion of my colleague. These public lands formerly belonged to the State of Virginia; when ceded by that State, the Government of the United States were made trustees "for the common benefit of the Union; faithfully and *bona fide* for that use, and for no other," to use the words of the act granting the cession. This is a contract between Virginia and the United States; we are in the place of trustees; we cannot violate the trust, yet this mode of selling the land for the benefit of individual foreigners is a violation of the trust. This precedent will be quoted hereafter, and will operate most injuriously. Notwithstanding what the gentleman from Ohio (Mr. MORROW) has said, I cannot help saying, that there are men ready at this time to give six dollars per acre for this very land, or land of this description. This bill will give them a whole township, 23,000 acres of land of the first quality. I cannot conceive the cultivation of the vine as a national benefit, as being "for the common benefit of the Union." It will diminish the revenue, should vines be raised in abundance here. Wine is heavily taxed, and the tax is paid by the rich. I am altogether opposed to the bill.

Mr. SMILIE.—A new argument indeed is brought forward by the gentleman from Virginia. We can hardly turn round without somehow invading the rights of Virginia. If we talk of building a bridge or erecting a dam, at once the rights of Virginia are invaded. If we wish to dispose of some of our public land in the West as we think

proper. the rights of Virginia are invaded. Virginia claimed lands stretching to the north pole; she took what she wanted, and gave a quit claim to the United States for the rest. Some of the House think this sale, this indulgence in the payment for the purpose of introducing the cultivation of the vine, and of serving these worthy foreigners, will be "for the common benefit of the Union;" some think otherwise; it is merely a matter of opinion, and a majority of opinion must decide.

Mr. MORROW.—There are some small tracts of land, on which what are called *squatters* are settled, and where already improvements have been made, which would sell for four or six dollars per acre; but I doubt whether any township of land would sell for two dollars, even with the usual instalments.

Mr. PARKE, of the Indiana Territory.—Even in the settled parts of the Territory, lands are not above three dollars.

Mr. LYON.—The price of lands is various. I know of 200,000 acres of land on the Wabash, which is offered for sale at twenty cents per acre; yet I have given fifty dollars per acre for several acres near me, which I much wanted.

Mr. ELY.—Gentlemen have said that poor lands were proper for the vine. It may be so; but the petitioner and his associates mention also the raising of hemp, which requires the best bottom lands. I am far from wishing to discourage these settlers; but they are already among us, and will not leave this country. They are represented to be, (and I fully believe the representation,) men of piety and morality; the United States are not beyond improvement in piety and morality; instead of putting them in one, and that a far distant place, let them be scattered over the Union, that all parts may be benefitted. Such a body of men, of one sect, of one language, will wish to seclude itself from the rest of the Union; they will wish what this bill gives them, and what I think injurious, an exclusive territory. We are deviating from our common usage in the sale of land. Is the deviation necessary or proper? Gentlemen have said they were flying from oppression to this land of liberty; liberty was their object; a republican Government; yet it appears that when they left Wirtemberg, their expectation and intention was to settle in Louisiana, then under the Spanish Government. The bill obliges them to plant a certain number of vines; perhaps the expense of this will not be $100, and there is no forfeiture even if they should refuse to comply. It may prove a fine speculation for them; they may get perhaps the finest land and the best salt lick in the territory.

Mr. NICHOLSON, (after recapitulating the arguments previously adduced:) I have no objection to the settlement of the applicants in one body; nor can I see any probable evil resulting from it. The gentleman from Massachusetts has informed us that the people of the United States are bad enough, and that the distribution of this society over the whole States might prove advantageous to the Union; if not in one body, they must settle on lands for sale in different parts of Kentucky, Tennessee, Ohio, &c. This distribution would be unfair, as Massachusetts has not lands for sale, except perhaps in the district of Maine; hence that State would be deprived of the advantage it might obtain by an improvement of its piety and morality from a distribution of a part of this society among the citizens of that State. I know not why the sale of this land, according to the terms of the bill, should be considered as not conducing to the good of the nation. We have given lands for colleges and schools, and for the support of clergymen; we have also sold lands, the proceeds of which were to be expended for the improvement of roads—roads by which the public at large would be benefitted, though the citizens of Maine or Georgia might never travel them.

The bill was recommitted to a Committee of the Whole—62 to 53, and made the order of the day for Monday next.

MONDAY, February 17.

The House resolved itself into a Committee of the Whole on the bill declaring the town of Jersey, in the State of New Jersey, to be a port of delivery; and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

A memorial of the Chamber of Commerce, of the town of New Haven, in the State of Connecticut, signed by Henry Dagget, their President, was presented to the House and read, setting forth their surprise and solicitude at the embarrassment to which the commerce of the United States is subjected, by the new assumed principles and doctrines of the admiralty courts of Great Britain, as well as from the depredations of lawless freebooters, and the unwarrantable impressment of our seamen; that, impressed with the necessity of measures for defence, which shall be firm but temperate, and bold, yet marked with a spirit of conciliation, they are ready and desirous to give aid and support to every measure of Government calculated to accomplish this important object.—Referred to the consideration of a Committee of the Whole on the state of the Union.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims, to whom was referred the petition of William Breck, junior. The Committee rose and reported a resolution thereupon; which was twice read and agreed to by the House, as follows:

Resolved, That provision ought to be made, by law, for the payment of expenses incurred in bringing to the United States, by order of the American Consuls, the mutineers on board the ship Ulysses; and for the adjustment of the claims made by individuals who may have performed that service.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Claims do prepare and bring in the same.

The House resolved itself into a Committee of

the Whole on the report of the Committee of Commerce and Manufactures, to whom was referred the petition of John McFadon and Francis Johonnot. The Committee rose and reported a resolution thereupon; which was twice read and agreed to by the House, as follows:

Resolved, That the prayer of the petitioners, so far as relates to their exemption from imprisonment for debts due to the United States, is reasonable and ought to be granted.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Commerce and Manufactures do prepare and bring in the same.

The House resolved itself into a Committee of the Whole on the report of the Committee of Commerce and Manufactures, to whom was referred the petition of John McFadon. The Committee rose and reported a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the person of John McFadon shall be exempt from arrest on account of any debt owing by him to the United States, for the principal and interest of custom-house bonds, signed by him as surety for John A. Jolly, deceased.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Commerce and Manufactures do prepare and bring in the same.

Ordered, That the Committee of the whole House to whom was committed the report of the Committee of Commerce and Manufactures on a resolution of the twenty-seventh of December last, "to inquire into the propriety of erecting the port of Newcastle, in the District of Delaware, into a port of entry," be discharged from the farther consideration of the said report.

The House then proceeded to consider the said report at the Clerk's table, and the resolution contained therein, in the words following, to wit: "that it is expedient to erect Newcastle into a port of entry," being twice read, was, upon the question put thereupon, agreed to by the House.

The House resolved itself into a Committee of the Whole on the report of the Committee on the Public Lands, to whom was referred the petition of George Ash; and after some time spent therein, the Committee rose and obtained leave to sit again.

FISHING BOUNTY.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred the petition of John Earle, jun., and Thomas M. Hazard, of Newport, in the State of Rhode Island, made the following report:

The petitioners, in the month of May, 1805, fitted out the sloop Abigail, of the burden of thirty tons, for a fishing voyage in the straits of Belle Isle, and as they state, through ignorance of law in this particular, the vessel sailed under a coasting licence, and not under a fishing licence, as is provided for by the several acts of Congress, relative to the coasting trade and fisheries.

The vessel was seized by the collector of Newport, on her return to Rhode Island, but was released by the order of the Secretary of the Treasury. The collector refuses to pay the bounty allowed to fishing vessels, alleging that the owners neglected to provide their vessel with the usual document to entitle them to the benefit of the law.

The Committee are satisfied that the collector has performed his duty in the particular alluded to. The bounty cannot be paid to vessels sailing with coasting papers, any more than it could be to vessels clearing out for foreign voyages. When the regulations of law are calculated for the security of the revenue, and are not found to operate injuriously to individuals in general, there would seem to be no necessity for an alteration to meet every deviation from the ordinary practice. If the petitioners had stated to the collector, at the time of clearing out their vessel, that they intended to employ her upon a fishing voyage, he could not have refused to grant the fishing licence; and, as they omitted to do this, it would appear that the relief prayed for from Congress ought not to be granted.

The Committee, therefore, recommend that the petitioners have leave to withdraw their petition.

The report was agreed to.

IMPORTATION OF SLAVES.

Mr. DAVID R. WILLIAMS, from the Committee appointed, on the seventh instant, "to inquire whether any, and, if any, what, additional provisions are necessary to prevent the importation of slaves into the Territories of the United States, made the following report:

That the act of Congress, passed the 7th April, 1798, authorizing the establishment of a Government in the Mississippi Territory, permits slavery within that Territory, by excluding the last article of the ordinance of 13th July, 1787. The seventh section of this act prohibits, after the establishment of a Government, the importation of slaves from any port or place without the limits of the United States; of course, the right to import slaves from any place within the limits of the United States is not restricted.

The act of 2d March, 1805, further providing for the Government of the Territory of Orleans, secures to its inhabitants "all the rights, privileges, and advantages, secured by the ordinance of 13th July, 1787, and now enjoyed by the people of the Mississippi Territory." The importation of slaves, from any place within the limits of the United States, is one of those rights; consequently, the inhabitants of the Territory of Orleans may exercise it also.

The tenth section of the act of 26th March, 1804, "erecting Louisiana into two Territories, and providing for the temporary government thereof," prohibits the introduction of slaves into that Territory, from any place, "except by a citizen of the United States, removing into said Territory, for actual settlement, and being at the time of such removal *bona fide* owner of such slave or slaves." This tenth section, being repugnant to the first section of the act of 2d March, 1805, was repealed by the last section of said act, which declares: "that so much of an act. entitled "An act erecting Louisiana into two Territories, and providing for the temporary government thereof, as is repugnant with this act, shall, from and after the first Monday of November next, be repealed."

The committee are in the possession of the fact, that African slaves, lately imported into Charleston, have been thence conveyed into the Territory of Orleans; and, in their opinion, this practice will be continued to a very great extent while there is no law to prevent it.

Upon this view of the subject, the committee believe it is expedient to prohibit any slave or slaves, who may be hereafter imported into the United States, from being carried into any of the Territories thereof; they, therefore, respectfully recommend the following resolution:

Resolved, That it shall not be lawful for any person or persons to import or bring into any of the Territories of the United States any slave or slaves that may hereafter be imported into the United States.

The report was referred to the Committee of the Whole to-morrow.

NICKLIN AND GRIFFITHS.

The House went into a Committee of the Whole on the report of the Committee of Commerce and Manufactures on the petition of Nicklin and Griffiths. The report states the following circumstances. The petitioners bought from Joseph Anthony and Co. a vessel, possessed of an American register. Some time after this purchase, it was disclosed that Joseph Anthony and Co. were indebted to —— Coulon, a foreigner, for a part of this ship; in consequence of which the collector refused considering her an American ship. The petitioners pray that this vessel may receive an American register; in which the Committee of Commerce and Manufactures concur.

Messrs. CROWNINSHIELD, J. CLAY, NICHOLSON, and ELY, supported; and Messrs. CONRAD and MACON opposed the report; which was agreed to —yeas 56, nays 31.

The Committee rose and reported their agreement to the report of the Committee of Commerce and Manufactures. The House immediately took up the report, concurred therein, and ordered a bill to be brought in.

SOCIETY OF HARMONY.

The House went into a Committee of the Whole on the bill authorizing George Rapp, and his associates, to locate a township of land in Indiana Territory.

Mr. CONRAD spoke in favor of the bill. To make the bill more agreeable to gentlemen who were opposed to it, he moved an amendment, putting the first time of payment to four years instead of six.—Carried.

Mr. LEIB moved an amendment, obligating Mr. Rapp to make the location of land before the 1st of January next.—Carried.

Mr. CLARK.—I am opposed to the bill, but since gentlemen in favor of it form a majority, I wish to make a further amendment, striking out that part which obliges George Rapp and his associates to plant the vine.

Mr. CONRAD.—This bill is a contract. I wish the experiment of making vines tried.

Mr. FINDLEY.—I am opposed to the amendment.

Mr. CLARK.—The obligation is a hardship on their part. I shall not vote for the bill, but with the amendment I should like it better.

Mr. ELMER.—In favor of the amendment, I do not desire to compel them to cultivate the vine, unless they find it profitable and choose to do it.

Mr. LYON.—I am pleased with the bill as it is. I have no notion of accommodating any gentleman who declares that even with his amendment, he will not vote for the bill, especially when I can see no good reason for it.

Mr. HOLLAND.—It is no objection in my mind that these people speak a different language. The settlement of the Moravians in North Carolina has been of no disservice, but of much benefit. I trust the case will be similar here.

Mr. CROWNINSHIELD moved to insert an amendment, obliging Rapp and his associates to pay interest, after the four years, till the whole sum should be paid.

Mr. SLOAN.—The gentleman from Massachusetts has made a calculation of the amount of interest. Men in his line of business are generally ready reckoners, especially when to their advantage; but the land will yield no interest if not sold, as probably it will not be, for ten years, should this bill not pass.

Mr. NICHOLSON.—They cannot take lands on navigable waters; they must take poor and good lands as every such section is composed of. Their location must be in one place; they cannot, like other purchasers, pick good spots here and there. The sale is to our advantage. Either give them not the credit, or do not oblige them to give interest. The credit will be of no service to them if you charge them interest.

Mr. LYON.—The amendment of the gentleman speaks of interest on the last payments; I know not, among six or seven payments, which can be called the last. The sale will be a good bargain on our part. I am against the insertion of interest.

Mr. CROWNINSHIELD.—The gentleman from Kentucky is perfectly right; the "last payments" can mean only the two last payments. I wish a further amendment, by saying "the last six payments."

Mr. JACKSON.—Would you give this indulgence to several hundred of your own native citizens? No, sir. Why, then, to these aliens? [Mr. J. went largely into the arguments previously used.]

Mr. LYON.—Will any gentleman show where any townships of 23,000 acres together have been sold for 46,000 dollars?

Mr. SLOAN spoke some time in favor of the bill.

Mr. FINDLEY also.

Mr. MASTERS.—Some gentlemen think George Rapp will make a rap, and some think George Rapp will not make a rap; I wish the insertion of interest, and George Rapp may do as he pleases.

The question on interest was taken and lost—For it 43, against it 46.

Mr. BIDWELL.—This is a deviation from our usual rule in the sale of lands, and the fluctuation in the sales will lessen the value of our land.

Mr. JACKSON moved to insert "further," so as to read "for the further introduction of the vine;" because vines are already introduced. Five members for it.

The Committee of the Whole rose, and the House took up the bill. Several new amendments were proposed and lost. The House at

length adjourned, at 4 o'clock, without deciding on the bill.

TUESDAY, FEBRUARY 18.

Mr. TENNEY, from the Committee of Revisal and Unfinished Business, made a further report; which was read and ordered to lie on the table.

Mr. TENNEY, from the same committee, presented a bill to continue in force an act, entitled "An act to authorize the Secretary of War to issue land warrants, and for other purposes;" which was read twice and committed to a Committee of the Whole on Friday next.

Mr CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill for the relief of John McFadon and Francis Johonnot; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. CROWNINSHIELD from the same committee, presented a bill to change the name of the District of Nanjemoy to that of St. Mary's; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. CROWNINSHIELD, from the same committee, presented a bill for the relief of Philip Nicklin and Robert Eaglesfield Griffith; which was read twice and committed to a Committee of the Whole to-morrow.

An engrossed bill declaring the town of Jersey, in the State of New Jersey, to be a port of delivery, and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts, was read the third time: Whereupon, a motion was made, and the question being put, that the said bill be recommitted to a Committee of the Whole immediately, it was resolved in the affirmative.

The House, accordingly, resolved itself into the said Committee; and, after some time spent therein, the bill was reported with an amendment; which was twice read, and agreed to by the House.

Ordered, That the said amendment be engrossed, and, together with the bill, read the third time to-day. The said engrossed bill, together with the amendment, was then read the third time, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I now communicate to the House of Representatives the information desired by their resolutions of January twenty-fourth, relative to the fortifications erected at the several ports and harbors of the United States and their Territories, and to the Navy and Navy Yards of the United States.

FEB. 18, 1806. TH. JEFFERSON.

The said Message was read, and, together with the documents accompanying the same, referred to the consideration of a Committee of the Whole on the state of the Union.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to extend jurisdiction, in certain cases, to State judges and State courts," with an amendment; to which they desire the concurrence of this House. The Senate have also passed a bill, entitled "An act relating to the salaries of the judges of New Orleans;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole, on the Message of the President of the United States, of the fifth of February, one thousand eight hundred and five, respecting the case of the brigantine Henrick, and a report of the Committee of Claims made thereon; and after some time spent therein, the Committee rose, and reported a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the sum of —— dollars ought to be appropriated, out of any moneys in the Treasury, not otherwise appropriated, to enable the President of the United States to make such restitution as shall appear to be just and equitable, to the owners of the Danish brigantine called the Henrick, and her cargo, which were recaptured by an American armed vessel, in the year one thousand seven hundred and ninety-nine, and sold by order of the Vice Admiralty Court, in the British island of St. Christopher: Provided, the Government of Denmark shall make compensation for the seizure of certain prizes, captured by the armed vessels of the United States, during the late Revolutionary war with Great Britain, and carried into the port of Bergen, in the year one thousand seven hundred and seventy-nine; and which, by order of the Danish Government, were, without a judicial trial, restored to their original proprietors.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Claims do prepare and bring in the same.

SOCIETY OF HARMONY.

The House resumed the consideration of the bill sent from the Senate, entitled "An act to empower George Rapp and his associates, of the Society of Harmony, to purchase certain lands;" and a motion being made further to amend the said bill by inserting, at the end thereof, the words following:

"And interest, at the rate of six per cent. per annum, commencing from the end of the four years aforesaid, shall be charged on the whole of the six last payments, until the same shall be received into the public Treasury."

The question was taken that the House do agree to the said amendment, and resolved in the affirmative—yeas 62, nays 44, as follows:

YEAS—Burwell Bassett, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, William Blackledge, John Blake, junior, Thomas Blount, William Butler, John Campbell, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Matthew Clay, Orchard Cook, Jacob Crowninshield, Richard Cutts, John Dawson, Elias Earle, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, James Fisk, James M. Garnett, Peterson Goodwyn, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Patrick Magruder, Robert Marion, Josiah Masters, David Meriwether, John Morrow, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., Josiah Quincy, John Rhea

of Tennessee, Jacob Richards, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, John C. Smith, John Smith, Henry Southard, Richard Stanford, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, and Alexander Wilson.

NAYS—Willis Alston, junior, David Bard, Silas Betton, James M. Broom, Robert Brown, Joseph Clay, George Clinton, junior, Frederick Conrad, Samuel W. Dana, Ezra Darby, John Davenport, junior, William Dickson, James Elliot, William Findley, Silas Halsey, Seth Hastings, William Helms, James Holland, David Hough, Michael Leib, Duncan MacFarland, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Joseph H. Nicholson, John Pugh, John Rea of Pennsylvania, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, John Smilie, Samuel Smith, Thomas Spalding, Joseph Stanton, Samuel Taggart, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Daniel C. Verplanck, John Whitehill, and Robert Whitehill.

Ordered, That the said amendments, together with the bill, be read the third time to-day.

The said bill, together with the amendments thereto, was read the third time; and, on the question that the bill, as amended, do pass, it passed in the negative—yeas 46, nays 46.

Mr. SPEAKER declaring himself with the nays. And so the said bill was rejected.

Those who voted in the affirmative, are—

David Bard, Frederick Conrad, Leonard Covington, Ezra Darby, John Davenport, junior, James Elliot, William Findley, James Fisk, Isaiah L. Green, Silas Halsey, William Helms, James Holland, Michael Leib, Duncan MacFarland, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Joseph H. Nicholson, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Russell, Peter Sailly, Thos. Sammons, Martin G. Schuneman, James Sloan, John Smilie, Samuel Smith, Henry Southard, Thomas Spalding, Joseph Stanton, David Thomas, Uri Tracy, Philip Van Cortlandt, Joseph B. Varnum, Daniel C. Verplanck, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

Those who voted in the negative, are—

Willis Alston, jun., Joseph Barker, George M. Bedinger, John Blake, jun., Thomas Blount, William Butler, John Campbell, Levi Casey, John Chandler Martin Chittenden, John Claiborne, Christopher Clark, Matthew Clay, Jacob Crowninshield, Richard Cutts, John Dawson, Elias Earle, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, Peterson Goodwyn, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Robert Marion, David Meriwether, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., Josiah Quincy, John Rhea of Tennessee, Jacob Richards, Thomas Sandford, John Cotton Smith, John Smith, Richard Stanford, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Samuel Tenney, Peleg Wadsworth, Matthew Walton, David R. Williams, and Richard Winn.

CHURCH IN GEORGETOWN.

Mr. FINDLEY called up the bill for incorporating the Presbyterian Society in Georgetown. The bill was long, and was read by sections. One section authorized a lottery for finishing the church.

Mr. CLARK moved to strike out the section; you would not convert your church into a gambling house. I never considered that religion of the best kind which was supported by lotteries.

Mr. SLOAN.—I am for striking out. I never will consent to an act authorizing public gambling.

Mr. CLARK.—Corporations of all kinds, but more particularly ecclesiastical corporations, are objects of my particular hatred. Religion I do not consider of this world. I am no enemy to it, however; I adore it. To try the principle of the bill, I move to strike out the first section.

Mr. SOUTHARD.—I can see no possible objection to an act of incorporation in this as well as other cases. There are many advantages a society of this nature cannot enjoy without incorporation. Donations from the wealthy, who often bequeath sums for the benefit of religion, cannot be held without such incorporation.

Mr. SLOAN.—We have no acts of incorporation in the society in which I was brought up, (the Quakers;) yet we find no difficulty in the management of our affairs—no difficulty in receiving gifts. I abhor all ecclesiastical corporations. Congress never has, and I hope never will, stain its pages with an act of this sort.

Mr. SMILIE.—I hope the gentleman from New Jersey will not frighten himself with the echo of his own words. No evil can result from this act. The opinion of the Quakers is, that no money ought to assist them in their passage to heaven; others believe that money is employed to the best advantage in this way; hence the Quakers never pay those who preach for them, while almost all other classes of Christians do. The gentleman from New Jersey surely does not wish to forbid a clergyman's payment. I hope that citizens of different persuasions may all have a full enjoyment of their modes of religious worship.

Mr. ELMER.—There never was a nation without religious establishments. All sects, except the Quakers, pay their preachers, and if the preachers among the Quakers have not a direct salary, they find means to obtain something of that kind indirectly, though not from direct funds. Considered in a moral, political, and religious view, these acts of incorporation are highly necessary and proper for the well being of society.

Mr. CLARK.—This is the first request that has been made to Congress for a religious incorporation; if we check it now, we may check what may hereafter prove an immense evil. It is from small beginnings that great disasters usually rise. Should this bill pass, I foresee what may perhaps in time come to pass. I can foresee the practice of pious frauds. The priests dressed in their canonicals, attending the rich man on his dying bed, and urging the repenting sinner to part with a portion of his wealth for the good of the church, and for the obtainment of a certain passport to heaven.

Mr. FINDLEY.—This is an accommodation Con-

gress only can grant, and which is enjoyed in all the States.

Mr. NICHOLSON.—I never knew an application of this kind to be refused in the State, a part of which I have the honor to represent. In the Legislature of that State, half a dozen applications of this sort would have been granted in the time we have already spent in this unnecessary and shameful debate. Why should we refuse? If a society of Hindoos in the District should make such an application, I should not think of refusing them. If the dying rich man believes the bestowment of a part of his wealth for the benefit of religion will be a deed rendering him more acceptable to heaven, shall he be deprived of this right to give, because another thinks otherwise?

Mr. RHEA, of Tennessee, moved to postpone the consideration of the bill till the 1st of May.

Mr. SMILIE spoke against postponement.

Mr. QUINCY.—I had not intended to open my mouth on a subject that appeared to me so plain; where our duty was so apparent; but the debate has taken so strange a turn that I must make a few remarks. This is a mere civil affair—religion has nothing to do with it, so far as we are concerned in granting or refusing the application. I never knew an application of this kind to be refused—it is an application for the grant of certain powers to a certain number of persons; it is like an application for the incorporation of a bank, or anything similar. Congress have only to inquire whether or not the ends are proper; whether the powers asked are, or are not likely to be, injurious. The gentleman from Virginia (Mr. CLARK) says, that incorporations of all kinds, particularly ecclesiastical, are objects of his great abhorrence. The objects of his abhorrence must then be very numerous, for they almost everywhere abound. In Massachusetts nothing can be more common. The incorporation of a religious society is not for the mere purpose of enabling such a society to receive the gifts that may be bequeathed them; the incorporation is for the purpose of enabling a society, or number of persons, to transact their business, to hold property, to sue and be sued, &c. Property they must hold, and, if not held as a corporate body, they must hold it as joint tenants—tenants in common—or they must have trustees to hold it for them, or a part must hold as trustees for the rest; and hence arise innumerable difficulties, litigations, and disagreements—difficulties that will not arise in corporate bodies. You have only to take care, when an act of incorporation is granted, that no powers be granted that may have an injurious effect.

Mr. SOUTHARD.—The incorporation of almost all societies is for the advantage of the public; the incorporation of religious bodies has ever been beneficial to morals and to society at large. It enables them to give and to receive justice; to sue and to be sued. The benefits of incorporation are innumerable; what were society without them? what are we but a corporate body?

The bill passed to a third reading by a large majority.

WEDNESDAY, February 19.

A Message was received from the President of the United States communicating information from Captain Meriwether Lewis, of the first regiment of infantry, who was appointed, with a party of men, to explore the river Missouri from its mouth to its source. The Message was read, and, together with the documents transmitted therewith, ordered to lie on the table.

Mr. JOHN C. SMITH, from the Committee of Claims, presented a bill enabling the President of the United States to make restitution to the Government of Denmark for the capture and condemnation of the Danish brigantine called the Henrick; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. GREGG, from the Committee on the Public Lands, who were directed by a resolution of the House, of the twentieth ultimo, "to inquire into the expediency of providing, by law, for the adjudication of claims set up by persons in virtue of purchases, or transfers from purchasers of lands of the United States, previous to the emanation of grants under their authority," made a report thereon; which was read, and referred to a Committee of the whole House on Monday next.

Mr. BOYLE, from the committee to whom was referred, on the thirteenth instant, the amendments proposed by the Senate to the bill, entitled "An act for altering the time for holding the Circuit Court in the district of North Carolina," made a report thereon; which was read, and ordered to lie on the table.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act to extend jurisdiction in certain cases to State judges and State courts:" Whereupon, the said amendment, together with the bill, were referred to Mr. SAILLY, Mr. PITKIN, Mr. BARD, Mr. MORROW, and Mr. FOWLER.

On motion, it was

Resolved, That a committee be appointed to consider the propriety of amending the fourth section of the act, entitled "An act concerning the Library for the use of both Houses of Congress," so as to extend the privilege of taking books out of the Library, to the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Attorney General of the United States; and that the Committee have leave to report by bill, or otherwise.

Ordered, That Messrs. JOSEPH CLAY, NICHOLSON, and JOHN C. SMITH, be appointed a committee, pursuant to the said resolution.

The bill sent from the Senate, entitled "An act relating to the salaries of the judges of New Orleans," was read twice, and committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Commerce and Manufactures, to whom was referred, on the eighth ultimo, the petition of Francis Amory. The Committee rose, and reported

against the prayer of the petitioner; which was agreed to by the House.

The House took into consideration the amended bill for laying a duty of ten dollars on every slave imported into the United States.

Various amendments were made, when the bill was ordered to a third reading on Monday.

[As the bill now stands, it provides, in case of smuggling slaves into the United States, that the vessel in which they are brought shall be forfeited. It is silent with regard to the forfeiture or liberation of the slaves.]

CHURCH IN GEORGETOWN.

The bill to incorporate the Trustees of a Presbyterian Church in Georgetown was read a third time.

Mr. ELMER supported, and Messrs. JACKSON, SLOAN, HOLLAND, and RHEA, opposed the bill.

The question was taken by yeas and nays, and the bill passed—yeas 72, nays 40, as follows:

YEAS—David Bard, Joseph Barker, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, jun., James M. Broom, Robert Brown, John Campbell, John Chandler, Martin Chittenden, Joseph Clay, Frederick Conrad, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, Andrew Gregg, Isaiah L. Green, John Hamilton, Seth Hastings, William Helms, David Holmes, David Hough, Michael Leib, Henry W. Livingston, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Timothy Pitkin, junior, John Pugh, Josiah Quincy, John Rea of Pennsylvania, John Russell, Thomas Sammons, Martin G. Schuneman, John Smilie, John Cotton Smith, Henry Southard, Thomas Spalding, Josoph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, and Thomas Wynns.

NAYS—Willis Alston, junior, George M. Bedinger, Phanuel Bishop, Thomas Blount, John Boyle, William Butler, Levi Casey, John Claiborne, Christopher Clark, Matthew Clay, Orchard Cook, Jacob Crowninshield, William Dickson, Elias Earle, Peter Early, John W. Eppes, Peterson Goodwyn, Edwin Gray, Silas Halsey, James Holland, John G. Jackson, Thomas Kenan, David Meriwether, Thomas Moore, Thomas Newton, junior, Gideon Olin, Thomas M. Randolph, John Rhea of Tennessee, Peter Sailly, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smith, Samuel Smith, Richard Stanford, Matthew Walton, David R. Williams, Marmaduke Williams, Alexander Wilson, and Richard Winn.

JOURNALS OF CONGRESS.

Mr. JOSEPH CLAY, from the committee to whom was referred the petition of William Levis and Hugh Maxwell, made the following report:

That, on a member taking his seat in Congress for the first time, it has been heretofore customary to supply him with a copy of the Journals of the Congress under the Confederation. For this purpose, by a joint resolution of the Senate and House of Representatives, approved on the 2d day of March, 1799, the Secretary of the Senate and Clerk of the House of Representatives were authorized and directed to subscribe for four hundred copies of the said Journals, then proposed to be published by Richard Folwell. Those copies were accordingly procured, and have been distributed to members of each Congress, until the present. At the meeting of the present Congress it has been found that only ten copies remain, which are by no means sufficient to supply those members who have not served a former Congress with one copy each.

The petitioners offer to furnish one hundred and thirty copies, bound in boards, to be delivered at Washington, at $16 a set. This is the price, including binding and the expense of transportation, at which former sets were furnished, and is, as the committee are informed, at a much less rate than that at which the Journals could now be printed.

Provision ought, perhaps, to be made for printing at the public expense another edition of these important Journals; this, however, is not a subject on which your committee will, at this time, offer an opinion; but they can see no reason why the members who have now taken their seats in Congress for the first time should be denied those Journals with which members of every former Congress have been supplied. They, therefore, recommend the following resolution:

Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives be authorized and directed to purchase, for the use of the Senate and House of Representatives, from William Levis and Hugh Maxwell, 130 copies of Folwell's edition of the Journals of the Congress under the Confederation, at such price, not exceeding sixteen dollars per set, as they may deem eligible.

Referred to a Committee of the whole House to-morrow.

THURSDAY, February 20.

Mr. JOHN C. SMITH from the Committee of Claims, to whom was referred on the seventh ultimo, the petition of Willis Wilson, made a report thereon; which was read, and ordered to be referred to the consideration of a Committee of the Whole House to-morrow.

Mr. JOHN C. SMITH, from the same committee, presented a bill making provision for extinguishing the debts due from the United States; which was read twice and committed to a Committee of the Whole on Monday next.

The House resolved itself into a Committee of the Whole on the bill for relief of Philip Nicklin and Robert Eaglesfield Griffith. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

Mr. JOSEPH CLAY, from the committee appointed yesterday, presented, according to order, a bill to amend an act entitled "An act concerning the Library for the use of both Houses of Congress;" which was read twice and committed to a Committee of the Whole to-morrow.

Ordered, That the Committee of the Whole House to whom was committed, on the fifth instant, the bill making an appropriation for the payment of the witnesses and other expenses on

the impeachment of Samuel Chase, and to which Committee of the Whole was also committed, on the eleventh instant, the bill sent from the Senate, entitled "An act making provision for the compensation of witnesses, who attended the trial of the impeachment of Samuel Chase," be discharged from the consideration of the said last mentioned bill; and that the said bill be committed to a Committee of the Whole to-morrow.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati, and State of Ohio. The bill was reported with an amendment thereto; which was twice read and agreed to by the House.

Ordered, That the said bill, with the amendment, be read the third time to-morrow.

On motion, it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a pre-emption right to George Ash, of one mile square of land, in the Indiana Territory, to include his improvements.

Mr. NEWTON said, he had been requested to present several resolutions, unanimously adopted by the citizens of Norfolk and Portsmouth, expressive of their indignation at the conduct of Britain on the restrictions and plundering to which our commerce is exposed, and at the degrading situation to which our brave seamen are subjected by arbitrary and illegal impressments; also, expressive of their determination to support, with their lives and fortunes, such measures as the councils of this nation may adopt.

Mr. N. said he was happy, on this occasion, to be made the organ of this communication. The resolutions were characterized, Mr. N. said, by that language which had been used on the birth-day of American freedom and independence; and they breathed a spirit highly honorable to the citizens of a free and independent nation.

The resolutions were then read, and referred to a Committee of the Whole on the state of the Union.

CHARLESTOWN, VIRGINIA.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, made a report on the petition of sundry inhabitants of Charlestown, Virginia, praying that said place may be made a port of entry and delivery.

The report is detailed, and assigns a variety of reasons against the expediency of granting the prayer of the petitioners, and concludes with a resolution that they have leave to withdraw their petition.

The House, having taken the report into consideration—

Mr. JACKSON observed that the facts detailed in the report were conceded. It was probable that there would never be a vessel entered at Charlestown from a foreign country. With regard to the success of the prayer of the petitioners, Mr. J. said he should not have been sanguine, but for a Constitutional provision which he considered imperative. No port of entry existed in the western part of Virginia, in consequence of which, vessels sailing from Charlestown were obliged to pay duties at New Orleans. The Constitutional provision, to which he alluded, was this: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another." Was it not obvious that a preference was given to the ports of one State over those of another by requiring the vessels of the one, to enter and clear in the ports of the other; and was it not also obvious that the latter part of the provision was equally violated? It would be a great convenience to the petitioners to give bonds and take out clearances in the neighborhood of the place where their vessels are built, instead of being obliged to go to a distance of 2,000 miles, where they would find themselves among strangers.

Mr. CROWNINSHIELD observed that there were several ports of entry already in Virginia from which vessels might clear without paying duties at New Orleans. He further observed that New Orleans and Natchez were not within the limits of a State, and therefore were not embraced by the Constitutional provision referred to; and added that duties were only paid on the entry of vessels from a foreign country.

Mr. J. C. SMITH thought there was sufficient plausibility in the remarks of the gentleman from Virginia, to give the subject a full discussion. He, therefore, moved a reference of the report to a Committee of the whole House on Monday, which was agreed to—yeas 59.

SALARIES OF JUDGES.

The House resolved itself into a Committee of the Whole, on a bill from the Senate, relative to the salaries of the judges of the Territory of Orleans.

The bill increases the salaries of the judges of the superior and district court from two thousand to two thousand five hundred dollars; and allows I. B. Prevost, a judge of the superior court, an additional salary of five hundred dollars, for services heretofore performed by him without the aid of the other judges.

Messrs. SLOAN and MERIWETHER called for information relative to the grounds on which the proposed increase of salaries is made.

Mr. EARLY replied, that, since the organization of the Territory of Orleans, the President had not been able to obtain any person or persons properly qualified, except Mr. Prevost, who had consequently been obliged to perform all the duties of the court; that it was requisite for the judges not only to understand the laws of their own country, but likewise those of the country to whom the Territory belonged previous to its cession; and, in addition to this, it was necessary for them to be acquainted with the French and Spanish languages. Added to this, the price of living was extremely high, and the climate very unhealthy.

Mr. FINDLEY corroborated this statement.

The Committee rose and reported their agreement to the bill, which was ordered to a third reading this day.

The bill was accordingly read a third time.

Messrs. MERIWETHER and G. W. CAMPBELL opposed, and Messrs. J. CLAY, CLARK, and NICHOLSON, supported the bill.

Mr. CONRAD moved a postponement of the bill till to-morrow.

Mr. JACKSON hoped the bill would be recommitted to a select committee empowered to pass in review the salaries of all the judges of the United States. He did not think the salaries in this bill too high, but he thought those allowed to the other judges too low.

Mr. RHEA spoke in favor of the bill.

Mr. LEIB thought too much celerity should not be given to the passage of an appropriation bill.

Mr. EARLY spoke against the postponement.

Mr STANTON spoke against the bill.

The question was then taken on the motion to postpone, which was carried—ayes 50.

FRIDAY, February 21.

Mr. NICHOLSON, from the Committee of Ways and Means, presented a bill making appropriations for the support of Government, during the year one thousand eight hundred and six; which was twice read, and committed to a Committee of the Whole on Monday next.

The bill sent from the Senate, entitled "An act authorizing the sale of a tract of land in the town of Cincinnati and State of Ohio," together with the amendment agreed to yesterday, was read the third time, and passed.

A bill was received from the Senate, to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo. This bill prohibits all commercial intercourse between citizens or inhabitants of the United States and any part of the island of St. Domingo not in the possession and under the acknowledged Government of France; in violation of this provision, the vessel and cargo are to be forfeited. It is limited to one year, and the President is authorized, at any intermediate time, to take off the restraints and prohibitions.

Referred to a Committee of the Whole on Monday.

NICKLIN AND GRIFFITH.

The bill for the relief of Philip Nicklin and R. E. Griffith was read the third time, and passed—yeas 69, nays 40, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Phanuel Bishop, John Blake, jr., James M. Broom, Robert Brown, John Campbell, John Chandler, Joseph Clay, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, William Dickson, Peter Early, James Elliot, Ebenezer Elmer, William Ely, William Findley, James Fisk, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Michael Leib, Henry W. Livingston, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Timothy Pitkin, jr., Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Ebenezer Seaver, John Smilie, Samuel Smith, Henry Southard, Thomas Spalding, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Richard Winn, and Thomas Wynns.

NAYS—Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, Thomas Blount, John Boyle, William Butler, Levi Casey, Martin Chittenden, John Claiborne, Frederick Conrad, Ezra Darby, John Davenport, jr., Elias Earle, Caleb Ellis, John W. Eppes, John Fowler, Peterson Goodwyn, Edwin Gray, Joseph Lewis, jr., Matthew Lyon, Duncan McFarland, Patrick Magruder, David Meriwether Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Thomas Sandford, Martin G. Schuneman, James Sloan, John Cotton Smith, John Smith, Richard Stanford, William Stedman, Thomas W. Thompson, Joseph B. Varnum, David R. Williams, and Alexander Wilson.

SALARIES OF JUDGES.

The bill for increasing the salaries of the judges of the Territory of Orleans, was read the third time, and rejected—yeas 45, nays 68, as follows:

YEAS—Willis Alston, jr., David Bard, William Blackledge, James M. Broom, William Butler, John Campbell, John Claiborne, Joseph Clay, Frederick Conrad, Jacob Crowninshield, John Davenport, jr., Peter Early, William Findley, John Fowler, Isaiah L. Green, Seth Hastings, Michael Leib, Henry W. Livingston, Matthew Lyon, Robert Marion, William McCreery, Nicholas R. Moore, Gurdon S. Mumford, Thomas Newton, jr., Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Martin G. Schuneman, John Smilie, John Cotton Smith, William Stedman, Samuel Taggart, Samuel Tenney, David Thomas, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Matthew Walton, John Whitehill, Eliphalet Wickes, David R. Williams, Nathan Williams, Richard Winn, and Thomas Wynns.

NAYS—Isaac Anderson, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., Thomas Blount, Robert Brown, John Boyle, George W. Campbell, Levi Casey, John Chandler, Martin Chittenden, Matthew Clay, Orchard Cook, Samuel W. Dana, Ezra Darby, William Dickson, Elias Earle, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, James Fisk, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, David Holmes, David Hough, John G. Jackson, Thomas Kenan, Joseph Lewis, jr., Duncan MacFarland, Patrick Magruder, Josiah Masters, David Meriwether, Jeremiah Morrow, John Morrow, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., John Pugh, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, Lewis B. Sturges, Benjamin Tallmadge, Thomas W. Thompson, Uri Tracy, Robert Whitehill, Marmaduke Williams, and Alexander Wilson.

Mr. JACKSON observed, that the House having decided against augmenting the salaries of the judges of the Territory of Orleans, in consequence, probably, of the idea that a general review of the salaries of the judges of the several Territories of the United States should be previously made, he would, in correspondence with that impression, offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of increasing the salaries of the officers of the Territories of the United States, and of the District of Columbia, or any of them; and that they be authorized to report by bill or otherwise.

On the question to take this motion into consideration, the House divided—ayes 23.

YAZOO CLAIMS.

Mr. GREGG, agreeably to notice given yesterday, called for the order of the day, on a resolution offered by him on the 6th day of December, for the repeal of so much of an act of Congress regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee, as appropriates any portion thereof to the satisfaction of claims under certain acts of Georgia.

Mr. MERIWETHER moved a postponement till Monday.

Mr. EPPES moved a postponement till the second Monday of March. He said every member knew his sentiments on this subject. He was in favor of the proposition of the gentleman from Pennsylvania. But while so many interesting subjects, in which the national welfare was directly involved, remained unacted upon, he did think that everything calculated to disturb the harmony of the House, ought to be withheld from consideration; that no unpleasant circumstances, or division of opinion on subordinate points, should prevent the concurrence of men of all parties in the adoption of measures called for by the interesting crisis of our affairs.

Mr. GREGG did not know on what ground gentlemen inferred that this proposition was calculated to cause more division among the members of this House than any other proposition which might be offered. It was a plain and simple question, whether it was not best, under all the circumstances of the case, to repeal the law making an appropriation for satisfying the claims under the act proposed to be repealed, that Congress might thus forever be done with the subject? Mr. G. said he had forborne calling up this resolution, for the reasons assigned by the gentleman from Virginia. Though he considered the subject important, and that it behooved the Legislature to decide upon it at an early day, he had thought it most advisable not to call it up till the great national business before the House was attended to. This last business had been, unexpectedly to him, delayed from time to time, and he thought it probable that the resolution under consideration could be acted upon before the House were prepared to act on the national business. He regretted that the subject of our differences with one of the belligerent nations had not, before this time, been acted on. He had laid a resolution on the table on this subject, four weeks ago, but it had been delayed by a call for various Treasury statements—which he regretted having consented to ask, as, in his opinion, they had no bearing on the subject.

Mr. JACKSON rose to move a postponement indefinitely.

Mr. LEIB said, as this motion involved a decision of the main question, he would call for the taking of the yeas and nays.

Mr. THOMAS hoped the gentleman from Virginia (Mr. JACKSON) would withdraw his motion, as, from its going to reject the resolution, it would produce all the remarks which would arise from a direct discussion of it. For the reasons which had been urged by the gentleman from Virginia, (Mr. EPPES.) who had first spoken, which he considered very cogent; and as the subject of compromise was progressing, and might be settled before the second Monday of March, he hoped the motion for an indefinite postponement would be withdrawn, and that for a postponement to the second Monday of March prevail.

Mr. JACKSON said if he viewed the subject in the same light with the gentleman who had just spoken, he would agree to withdraw his motion. He could, however, never make principle bend to expediency. Principle had heretofore governed his vote, and should still continue to govern it. Even on the ground of expediency, he doubted the propriety of adopting the resolution. It was known there was another subject, connected with it, before the Legislature. If that should be decided in the negative, it might be proper to agree to this resolution. As there was a probability that that subject would come before the House, he did not wish to bring the subject twice before them in one session. Its discussion had heretofore excited all the malignant passions of the human heart, and it was well calculated to disturb that harmony which ought assiduously to be cherished when they were on the eve of entering on business of the deepest national interest.

Mr. J. said he wished the subject could be avoided altogether. He was heartily sick of it, and wished to get rid of it forever. But he thought it most proper that the question of compromise should first be decided. If that were negatived, the course pointed out by the resolution of the gentleman from Pennsylvania might be necessary.

Mr. ALSTON hoped the motion for an indefinite postponement would prevail. He said that though his sentiments were not changed on this subject, and though they were the same now as they ever had been, he did believe the tranquillity of the nation depended much on the decision of this question, and the meeting it fairly and fully. He hoped this would take place this session; but with his friend from Virginia, he hoped the subject would not now be taken up. He thought that the other question, relative to a compromise of claims, should be previously discussed. If the question of compromise could not be agreed to, he would agree to that course which would prevent the sub-

ject from ever being agitated within these walls, by transferring it entirely to the judiciary tribunals of the country. He would rather make a voluntary return of the whole territory to Georgia than suffer the subject to remain in its present state. Should the compromise be not agreed to, he would, in proper time, lay a proposition to this effect before the House. He thought the interest of the nation required the getting rid of the subject in this way.

Mr. JACKSON withdrew his motion. He said his object could be effected by postponing the resolution from time to time, till the question of compromise should be first decided. He was indeed willing that both questions should be decided at the same time.

Mr. CLARK was really concerned his colleague had made this motion. The resolution of the gentleman from Pennsylvania had been before them two months, and not a single step taken respecting it, and now we are told we are not to act upon it, till a proposition, not even before us, shall be decided upon. Whatever may be before the other branch of the Legislature, we are not at liberty to argue upon it. What prospect, then, is there to get at this subject, when gentlemen say their object is to postpone it from time to time, till a proposition, in its embryo, shall be decided upon? If the subject were really considered as composed of such inflammable materials as some gentlemen think, the sooner it is decided the better. Mr. C. said he was ready to go at once into the discussion, and he thought, the hotter the battle, the earlier would be the peace that followed it. He was ready to repeal the law, which, in the opinion of some gentlemen, gave a sanction to claims founded in fraud and corruption.

Mr. GREGG said he had no objection to the postponement moved by the gentleman from Virginia, provided they could get at the business contemplated by him. But if this could not be done, he was rather for going into a consideration of the resolution. As to the proposition of compromise, he knew nothing of it. No proposition of this kind had been received, by the House, from the claimants. To postpone, therefore, this resolution for a business they knew nothing about, was very extraordinary. If he was satisfied they could get at this business within the time mentioned, he would be content to let it rest for the present. But as that was uncertain, he hoped the resolution would not prevail.

Mr. G. W. CAMPBELL hoped the motion to postpone would prevail. Business of much more importance claimed a prior attention. He conceived that the resolution, when investigated, would be found to contain a very curious principle which the House would not be likely to adopt. It went, not merely to decide on the rights of others, but, to strip them of the right of deciding upon those rights. He should be against deciding on the resolution until they had previously decided the question of compromise, as he did not think it necessary, before this decision was made, to deprive themselves of the power of allowing claims which might be brought before them. The postponement would leave an opening to Congress to act on these claims as they might see fit. For this reason, and in order that business of greater moment might be taken up in the first instance, he should be in favor of the postponement.

The question was then taken on the postponement, until the second Monday of March, and carried—yeas 73, nays 39.

PAYMENT OF WITNESSES.

The House resolved itself into a Committee of the Whole on the bill from the Senate, providing for the payment of the witnesses on the trial of Samuel Chase.

Mr. J. C. SMITH said, at the close of the last session, a bill providing for the payment of the witnesses on the part of the United States, had gone from the House to the Senate, and been disagreed to by them. The Senate on their part, had passed a bill providing for the payment of all the witnesses, to which the House had disagreed. A conference had taken place on the disagreeing votes of the Houses, and the bill had been lost from a want of concurrence. The consequence was, the witnesses still remained uncompensated; some of whom have sustained heavy expenses. Petitions received this session from several witnesses on the part of the prosecution, had been referred to the Committee of Claims, who had reported a bill, which was the same in substance with that adopted by the House the last session; the committee not considering themselves at liberty to depart from the principle then established by the House.

It was for the House to decide how long this unprofitable contest (for unprofitable it surely was to the witnesses) should be kept up. Mr. S. said he was not disposed to go into a consideration of the question, whether the expenses of an impeachment should in all cases be incurred by the Government. He would barely observe that the Senate had been unanimous; and if the House should adhere to the ground they had taken, no compensation would be allowed to the witnesses. He submitted it, whether, under these circumstances, it were proper to keep up such a conflict. It had so happened that many of the witnesses, summoned by the accused, had been used by the managers, and the process of summoning them had been similar on both sides. In the bill, there was an omission to provide for the expenses incurred by the managers. If no other gentleman proposed an amendment, he should think it his duty to offer one, providing for these expenses. He hoped the Committee would agree to the bill. Some gentlemen might think, by agreeing to it, they evinced an opinion of the guilt or innocence of the accused. But such a vote could not be viewed in this light. The House had exercised their Constitutional right by voting an impeachment, while the Senate had exercised the same right in acquitting the accused. The same body who had acquitted, had sent down this bill, involving their opinion that the proposed compensation to witnesses was right. Indeed he considered the bill from the Senate as a taxation of costs by the court who sat on this occasion.

Mr. Macon, with a view to try the question, whether the House would agree to pay all the witnesses, moved to insert after the word *witnesses* the words—"on behalf of the United States." He said the history of this business given by the gentleman from Connecticut was correct. The accused had been acquitted by a Constitutional majority, consisting of a minority of the Senate. It was not, he believed, the practice in any criminal court, of any State in the Union, for witnesses summoned by the defendant, to be paid by the State. The States, in many instances, pay their own witnesses, where the person accused is not convicted, but with respect to the conflict between the two Houses, he was convinced the decision of this House was correct; and that it accorded with the general usage throughout the United States. If there was an exception, he did not recollect it. It was true that one or the other House must give way, or the bill would be lost. He would much rather that it should be rejected by the disagreeing votes of the two Houses, than that it should pass as it then stood. If the Senate had offered this bill, it is equally true that the grand jury, who make a bill, have refused it. The two Houses stood on the same ground. One are the triers and the other the hearers. If Congress agree to pay all the expenses of an impeachment, the impeached may run the expenses to such an amount as to prevent a trial. Why pay the expenses in this case, if not in any other? Shall they be paid because this man is a judge, and not a man arraigned before a judge? When a judge is tried he deserves no more indulgence than a private individual, and though he is acquitted the acquittal is not such as to convince the nation, or any other body of men, that he is innocent. It was not that kind of acquittal which an honest man would wish. It was constitutional, but not by a majority of the Senate. Are we, under these circumstances, obliged to pay the witnesses he has chosen to summon? Believing, as he did, the man guilty, and the charges in many instances, supported, the payment of his witnesses appeared to him a very strange thing. In this, as in every other case, he was willing to yield to a Constitutional decision, but he could never consent to pay the witnesses of the accused.

Mr. Alston said the amendment went to try the question, whether the House would agree to pay all the witnesses summoned on the trial of Judge Chase. Before it was made, the honorable Speaker ought to have told the House whether they could determine which witnesses were summoned on the part of the United States, and which on the part of Judge Chase. From everything which he had seen, (and he had examined all the documents on the subject,) he had found no data upon which to determine what witnesses had been summoned on one side or the other, unless from the recollection of gentlemen, by which he supposed the House would not consent to be governed. When the question was before the House the last session, he had expressed his doubts whether they ought to pay the witnesses of an accused man, whether he was acquitted or convicted; but he was now convinced, that until Congress passed a law, prescribing how witnesses are to be paid, they were bound to pay them. No such law had been passed. He would ask gentlemen learned in the law, whether a witness on the part of Judge Chase could demand compensation from him? Have we passed any law, prescribing how much shall be paid, or how it shall be done? No such law has been passed. Mr. A. said, he thought gentlemen were carrying their prejudices too far in this instance. He had voted for five out of eight of the articles, but the Senate had acquitted him of all of them. He was contented with this decision, and so far as he was acquainted with the sentiments of those he represented, he believed they too were satisfied. It was not now a question how this principle should be settled. If a general law were brought before them, there was no doubt, but that, if a man so conducted himself as to bring himself to a trial, he should pay his own witnesses, provided such law declared how much they should be paid. The honorable Speaker had said there was not a State in the Union in which the witnesses of a person indicted and acquitted were paid by the State. Mr. A. said he believed, in Virginia, when a man was indicted and acquitted, he was not subject to the payment of costs. If this were true, one State at least, and that the largest in the Union, had set a different example; and if precedent was entitled to any influence, it was against the Speaker. Mr. A. said this, however, had no weight with him. The great objection with him, was, that they could not discriminate the witnesses of the United States from those of the accused; and if they could ascertain them, there was no law prescribing how the latter should be paid by the accused.

Mr. Jackson believed Congress bound to render compensation to the witnesses on the trial of Judge Chase, on the abstract principle of justice and right, as well as from precedent and practice. The argument of the honorable Speaker militated against the inference drawn by him. He says the accused may multiply witnesses to such an extent as to defeat a prosecution. If the proposition, however, be examined in all its bearings, it will be found to operate most severely, and almost exclusively, on the man impeached by the House of Representatives, no matter for what cause, or whether he is guilty or innocent. If the House are determined to destroy him, it is only necessary to vote an impeachment, which will impose upon him a ruinous burden. Mr. J. said he did not apply these remarks exclusively to the impeachment of Judge Chase. The Journal of the House would show that he was in favor of his impeachment. But as he had been acquitted by the Constitutional tribunal, clothed with authority to pronounce him guilty or innocent—the dernier tribunal constituted for such cases—he did not consider himself justified to say, after their decision, that he was guilty. He held himself bound by the judicial decisions and laws of the country, though as an individual he might dissent from some of them. The United States might, in case a person acquitted on an impeachment is com-

pelled to pay his witnesses, multiply charges embracing the whole life of the accused, and tracing him from the district of Maine to Georgia, so as to compel him, in order to refute the charges, to adduce ten times as many witnesses as would otherwise be necessary. The true rule is, that the court shall decide what witnesses are proper to be taxed in the costs, and what are not. The Senate, who in this instance are the court, have decided that all shall be taxed. They were perfectly competent to decide whether any witnesses of the accused were brought forward without sufficient cause, or whether they were essential to the defence. It is manifest, by the bill under consideration, that they have made the latter decision. The gentleman from North Carrlina is correct in his statement of precedent. The uniform course in Virginia, is to tax the attendance of witnesses, who are paid out of the public Treasury; and those on the part of the defendant in the same way as those on the part of the prosecution. This practice has been extended so far as to embrace the payment of witnesses from another State. In a late case, although as far as the opinion of the court could go, a man was declared guilty of the crime with which he was charged, yet, the jury having pronounced him innocent, a witness on his part, brought from Kentucky, was paid out of the public Treasury. This is not the case where the individual is convicted. If he possess sufficient property, that is answerable for the expenses.

The Senate, undoubtedly, possess the right to say whether the witnesses adduced are necessary; and if, in any future case, improper witnesses shall be brought forward, they may refuse to tax them. This bill does not provide for all cases of impeachment, but is confined to the case of Samuel Chase. Mr. J. said he would submit whether it was proper or just to compel men at a great expense to attend at the seat of Government in an an inclement season of the year without giving them a compensation. If a law had been previously passed prescribing that the witnesses of the accused should be paid by him, they would have required some assurance from him. But as no discrimination had been made between the witnesses, they came forward in full faith that the Government would allow them a liberal compensation.

Mr. NICHOLSON said he had but a few observations to make on this subject: indeed, indisposition disabled him from making many. He considered this bill as calculated to establish a great principle—a principle whether, in all cases of impeachment, the United States are to bear the burden. It was not in reference to an individual that he was induced to advocate the amendment of his honorable friend, the Speaker, but because its effect would be to establish a principle that would hereafter govern in similar cases. If the principle were established that in all cases of impeachment the Government is to bear the expense, it will put it in the power of the individual impeached to increase the burden to any extent he pleases. And whenever a man shall be impeached, base enough to hate the Government under which he lives and holds an office, in a case which requires but two witnesses, he may summon two hundred. This bill will establish such a principle, and we shall in all future cases be told that the witnesses of the accused were paid in the case of Chase. It was for this reason, Mr. N. said, he advocated the amendment, and to convince the individual that subjected himself to an impeachment that he must suffer some pains and penalties. For it was not to be presumed that the House of Representatives would impeach any man unless there was some color for it—some reason to induce the nation at large to believe him guilty. An impeachment speaks the language of the nation, expressed through their representatives; and whenever a man in office conducts himself so as to make the nation believe him guilty, it was not desirable to offer the protection held out in the bill, particularly when a majority in the other branch also believed him guilty.

But gentlemen say, this is not the practice in the State courts; and we are told in Virginia, when a man is acquitted, the State pays the expense of his witnesses. Mr. N. said this might be so, though he did not know that it was; it was not so, however, in the courts of the United States. Any gentleman who doubted this, had only to refer to the treasurer's accounts since the Government had been in operation, and he called upon any such gentleman to show a single charge for witnesses in cases of acquittal. It is not the practice in England, nor could it be made to appear by any document, that the witnesses summoned by Warren Hastings, though he was acquitted, had been paid by the Government. But admitting, for argument's sake, the practice to be such in the United States as it is represented to be in the courts of Virginia, would that meet the present case? No. In Virginia there was a reciprocity. There, if a man was convicted, he paid all the costs, and if acquitted, the State pays them. But, in the United States, do we make the convicted pay the costs? Had the accused judge been convicted would gentlemen advocate his paying all the costs? No. In that case he would have been scot free as to the payment of money, though he might have sunk in reputation. In Virginia there is a reciprocity; the convicted either pays the expenses of the prosecution or goes to jail; whereas, in this case, the United States are called upon to bear the whole burden. When Judge Pickering was convicted, was he called on to pay the costs? Such a thing was not then dreamt of. It was then considered proper that the United States should pay their own witnesses. The argument, therefore, fails. The only objection of any weight is that raised by the gentleman from North Carolina. It is said to be impossible to discriminate the witnesses. The gentleman says that he has examined the journals of the Senate, and cannot find any discrimination. But has he looked at the journals of impeachment, where it appears that such witnesses were sworn on the part of the United States, and such on the part of the accused? Besides, if this evidence were not on the journal, it could be got from the parties themselves, who could swear they were summoned on the part of

the United States or the defendant. This was a common thing in the courts of Maryland, and Mr. N. supposed it was likewise so in other courts. He concluded his remarks by expressing a hope that the amendment would be adopted.

Mr. EARLY said it was his misfortune the last session to differ with a majority of the House, and his present opinion was what it then was. His opinion was not founded either on general principles, or on the practice of the several States, or United States courts. It was founded on the peculiar circumstances of this case. Some of these circumstances had already been stated by gentlemen; but there were some important points of view in which they might be considered, which had not been noticed. It was true, as had been stated by the gentleman from North Carolina, that it could not be distinguished which witnesses were summoned on the part of the prosecution, and which on the part of the respondent, from an omission by the Senate, when they prescribed the form of the subpœna, to distinguish, as it is usual, for which party it was issued. This fact was abundantly proved by the form of the subpœna. How, then, were witnesses to know that they were summoned on the part of the United States, or the respondent? They could not know. There were no circumstances by which they could acquire such knowledge. The party did not serve his subpœnas in person, but they were all sent to the marshal of a given State. A number of them were taken out in blank, and sent to the marshals by post. The gentleman from Maryland has endeavored to obviate the force of this fact, by informing us that a discrimination may be made, by the circumstance of the fact on which side the witnesses were sworn. True; but no gentleman knows better than himself that the witnesses summoned on one side, were, in some instances, sworn on the other; and he would call his recollection to the testimony given by Messrs. Tilghman and Rawle.

[Mr. NICHOLSON here explained, and contested the fact. Mr. EARLY agreed that these two witnesses had been summoned both on the part of the prosecution and the respondent.]

Mr. EARLY said, whether he was correct or not as to the particular cases he had alluded to, he was not mistaken as to the general fact. The gentleman from Maryland had endeavored to obviate the force of this argument in another way, by representing that the witnesses might be called on to swear on which side they were sworn. But this could not be done, but by the passage of some law on the subject. There was no authority which would justify the Secretary of the Senate in demanding such an oath, and if the circumstance could be proved, there was no power, under any existing law, by which the witnesses could recover a compensation for their attendance. They were compelled to attend—by whom? By a branch of this Legislature, on pain of imprisonment in case of disobedience. Whence shall they be indemnified? Will any gentleman say they can recover from the respondent? If so, let them point to the law which authorizes such a recovery. Will they say it can be had under the common law? A majority of this House will not bear them out in the argument. For it is a standing principle with us, that the common law is not in force in the courts of the United States. But put this objection aside—how much shall they recover? Where is the law fixing their per diem allowance? There is a perfect chasm in the subject.

Mr. E. repeated that his opinion was governed by the peculiar circumstances of the case; by the omission of the Senate to insert in the subpœna, on whose side the witnesses were summoned, or to provide for making any recovery from the accused; or how much, and where the recovery should be made. He considered the witnesses summoned, owing to this omission, as being without a remedy, from which resulted the obligation on the part of the Government, as they made the omission, to provide a remedy. The gentleman from Maryland, in noticing the observations relative to the practice of Virginia, stated, that if a similar reciprocity existed on impeachments, his objection to this bill in whole or in part would be done away. Mr. E. said, that in his opinion, this observation fortified the ground he had taken. If there were no reciprocity in this case, it was for want of a general provision. Let us then pass a law making this provision, and let it operate in all future cases. This would be equitable. But the want of reciprocity which arose with themselves, was no ground for omitting to make the only provision for the witnesses which the case allowed. When at the last session, in consequence of the disagreeing votes of the two Houses, a committee of conference had been appointed, he recollected that a distinguished member of the other branch, now absent in consequence of an unfortunate accident, took this ground—that the subpœna did not distinguish on which side the witnesses were summoned, and made a proposition that the bill should be so modified as to place the allowance made to the witnesses of the respondent on this peculiar ground. This proposition did not then obtain, but Mr. E. was still for taking such a course. He hoped the amendment of the honorable SPEAKER would not prevail; in which case he would move, by way of preamble to the bill, what would place the allowance on the peculiar ground he had stated, and thus remove the objections of the SPEAKER.

Mr. NICHOLSON made some explanation of what he had previously stated in regard to the practice of courts, and observed that a witness summoned on one side was not permitted to be sworn on the other, until he had been previously examined by the party summoning him. He also passed over the journal of impeachment, to show that the witnesses on the part of the prosecution had all been examined in the first instance, with a few exceptions, which were specially noted, before those on the part of the respondent were called.

Mr. SMILIE, being of opinion that the question was not ripe for decision, moved that the Committee should rise and ask leave to sit again.

This motion having prevailed, the Committee rose, and the House adjourned.

MONDAY, February 24.

A new member, to wit: EVAN ALEXANDER, returned to serve as a member of this House, for the State of North Carolina, in the place of Nathaniel Alexander, appointed Governor of the said State, appeared, produced his credentials, was qualified, and took his seat in the House.

On motion, it was

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making provision, by law, for defraying the expense, and compensating the services of Isaac Briggs, in exploring the country, and ascertaining the most eligible route for the mail between the State of Georgia and the city of New Orleans; and that they have leave to report by bill, or otherwise.

Mr. LEIB, from the committee appointed on the seventh instant, "to inquire into the expediency of amending the standing rules and orders of the House, so far as to prescribe the mode of keeping the journals," made a report thereon; which was read, and referred to a Committee of the whole House to-morrow.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill for establishing trading-houses with the Indian tribes, which was read, and committed to a Committee of the whole House on Thursday next.

The House resolved itself into a Committee of the Whole on the bill to amend an act, entitled "An act concerning the Library for the use of both Houses of Congress." The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act declaring the consent of Congress to an act of the State of Pennsylvania, entitled 'An act to empower the Board of Wardens for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned," with an amendment; to which they desire the concurrence of this House.

INTERCOURSE WITH ST. DOMINGO.

Mr. SLOAN called for the third reading of the bill laying a tax on slaves.

Mr. EARLY.—I wish to postpone the further consideration of this bill till Thursday next. We have received a bill from the Senate, stopping all intercourse with St. Domingo, which demands our prompt attention.

It was moved to postpone till the 1st of June—ayes 23. It was then carried, to postpone till Thursday next. The bill from the Senate, suspending intercourse with St. Domingo, was then called up.

On reading the section which confines the non-intercourse to one year,

Mr. ALSTON moved to strike out the section.

Mr. EARLY.—I hope that motion will not prevail. The Congress must be again in session previous to the end of the year, and can do as they please. If any alteration should be made, it is probable that it will be several weeks before the bill passes, as amended, through the Senate; it is high time this bill was passed; such a bill ought to have passed long ago.

Mr. ALSTON.—I have no doubt but that the Senate will agree to the amendment in ten minutes. I prefer leaving it to the President, who, by the next section, is authorized to restore the intercourse, if he thinks proper.

Mr. NICHOLSON.—I can see no possible reason for retaining this section.

Mr. CLAY.—I have understood that many of the Senate voted in favor of this bill on account of the limitation. We know not what will be the different situation, previous to the end of the year. I hope the bill will pass without any alteration.

Mr. ELMER.—The limitation does not touch the principle of the bill. I hope the motion will not prevail.

Mr. CROWNINSHIELD.—The bill ought to have some limitation. Why leave it to the President? Let us open the intercourse or continue the non-intercourse ourselves, as we think proper.

Mr. JACKSON.—It gives the President too much responsibility; the restoring the intercourse may be the occasion of war. I prefer modifying the motion so as to insert three years, instead of one.

Mr. COOK.—This is an act of experiment; we know not what will be the situation of St. Domingo within a year.

The motion was not carried—ten only for it. The Committee of the Whole agreed to the bill, and rose. The House immediately took it up.

Mr. NICHOLSON thought the security required by the bill for the faithful performance of a voyage, was not sufficient. He, therefore, moved to amend the bill, by adding "with such security as the collector shall approve."

Mr. BIDWELL.—The ground on which the gentleman from Maryland has moved his amendment, does not exist. By the first section of the bill, the vessel and cargo are both forfeited, if the vessel be voluntarily carried to the ports of St. Domingo. And where is the propriety or need of imposing this duty on the collectors?

Mr. NICHOLSON.—If we are sincere in our declarations, let us make the bill so strong that the intercourse will be stopped. If we are inclined to favor the revolt of the blacks in St. Domingo, let us make the bill such that it cannot stop the intercourse. If we are enemies to the revolters, let us make the provisions of the bill such as that they cannot be eluded; as that the intercourse will effectually be stopped.

Mr. J. CLAY wished that, instead of such security as the collector shall approve, a certain sum should be mentioned. He thought $50,000 ought to be the ultimatum of the security required.

Mr. JACKSON.—I have beheld with grief, and with resentment, the continuance of this dishon-

orable, this nefarious trade. It is quite time to put an end to it. I do not think the securities sufficient. The vessel and cargo are liable to forfeiture, but suppose the vessel and cargo are both sold in St. Domingo; where, then, is the security?

Mr. NICHOLSON moved to postpone the bill till to-morrow.

Mr. EPPES.—We are called on by a nation friendly to us to put a stop to this infamous and nefarious traffic. It is time to do it; let us pass the bill at once.

Mr. LEIB.—It will be neither to please France, nor to gratify Monsieur Talleyrand, who may have said this trade was improper, that I shall act. The bill has come to the House but to-day, and is it proper to hasten its passage, before we can have time to examine its features? It wants amendments. I am for postponing, for the purpose of introducing them.

Mr. BIDWELL was opposed to the postponement; Messrs. NICHOLSON, CLAY, and CROWNINSHIELD, advocated it. It was carried—57 to 53.

AMENDMENT TO THE CONSTITUTION.

Mr. J. RANDOLPH observed that some time had elapsed since he gave notice that he should call up his resolution for amending the Constitution of the United States. The state of his health had not admitted of his taking his seat before this day. He therefore availed himself of the first opportunity to move that the House should resolve itself into a Committee of the Whole on the state of the Union, with the view of taking that resolution into consideration.

Mr. MASTERS moved a postponement.

The SPEAKER said there could be no postponement of a subject referred to a Committee of the Whole on the state of the Union, as it was in order every day to take up business so referred.

Mr. J. RANDOLPH said, if gentlemen were unprepared, he had no objection to waive his call until to-morrow.

The SPEAKER remarked that there could be no debate on the priority of business.

Mr. CONRAD moved to discharge the Committee of the Whole from the further consideration of the resolution. He said he would briefly assign his reasons for this motion. The session had progressed, and the season was fast approaching when every man of agricultural pursuits would be anxious to attend to them, unless detained by important business. He did not believe the proposed amendment to the Constitution so important as to require immediate attention. He hoped, therefore, that it would be postponed until the next session, and that the way would thereby be paved for transacting the important national business that claimed their earliest attention.

The SPEAKER said the first question was on the House resolving itself into a Committee of the Whole.

The question was taken on this motion, and carried—yeas 61.

Mr. GREGG was called to the Chair, and the resolution having been read, as follows:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be submitted to the Legislatures of the several States, which, when ratified and confirmed by the Legislatures of three-fourths of the said States, shall be valid and binding as a part of the Constitution of the United States:

The Judges of the Supreme and all other Courts of the United States shall be removed from office by the President, on the joint address of both Houses of Congress requesting the same.

The Committee divided on agreeing to it, without debate—yeas 51, nays 55.

The Committee then rose, and reported their disagreement to the resolution.

The House having agreed to consider the report—

Mr. J. RANDOLPH called for the taking the yeas and nays on the question of concurrence.

Mr. CLARK moved a postponement of the consideration of the report to the third Monday of March, merely with the view of making it give place to more important business, which he said must be attended to. He said he had voted against the resolution, not because he was inimical to the principle involved in it. With a small modification, he should be in favor of it; and he hoped the period was not distant when, with such a modification, it would become a part of the Constitution.

Mr. J. RANDOLPH hoped a postponement to so distant a day would not prevail. He was himself desirous that it should be postponed for a few days, in order to give notice to the House, that there might be a full vote on what he considered a most important measure. He appeared in this instance, as in many others, to be in a state of profound error. The amendment, or deterioration of the Constitution, he had always considered to be a point of the greatest importance. But now, judging by the opinions of gentlemen, it seemed to be of lesser importance than the laying a duty of one or two per cent., to continue but for two or three years. It has, said Mr. R., been a subject of extreme concern to me, though not myself able to attend to the public business, to find, on inquiring daily of my colleagues, that the House has refused to do any business, because on a future day they expected some important business to come before them. I understand that a very important resolution of a gentleman from Pennsylvania, on a business so generally denominated the Yazoo as to require no other name, was postponed on the same ground that my colleague now wishes the resolution under consideration postponed. If there is such important business to transact, in God's name, why not progress in it? But notwithstanding this immensely important business, which serves as an excuse for doing nothing, we make no progress in it, if by it I am to understand the state of our foreign relations. I have no wish, nor do I intend to allude to anything which passed while we were sitting in conclave. But I did hope, when one or two members, who were represented as the only hindran-

ces to the despatch of business, were withdrawn from the House for one or two weeks, everything would have been completed. I expected the adoption of very different measures towards Great Britain. Instead of this, I find nothing done. And now, when an amendment to the Constitution is brought forward, which is allowed to be very important, and when the resolution of the gentleman from Pennsylvania is called up, we are told by gentlemen, we cannot attend to these subjects; there is important business which we expect to have at some future day before us, and therefore we are determined in the interim to do nothing.

One word as to the remark of the gentleman on my left, (Mr. CONRAD.) He belongs to a class of men which I highly respect, for the plain reason, that I belong to it myself. He says, the time is approaching when every man engaged in agricultural pursuits must be anxious to go home, and therefore he does not wish at present to act on the resolution I have laid on your table. True; but when men, be they agricultural, mechanical, or of any other profession, undertake any business, it is their duty to go through with it at every hazard. I do not know a man in the House who has suffered more than the individual who now addresses you by his attendance here, and if I could have found an apology in my own mind, I should long since have been gone. If the situation of affairs warranted it, I should be willing to adjourn for two or three months. But I never can agree to adjourn in the present perilous state of affairs, and leave the country to a blind and fortuitous destiny. I must first see something like land, some foot-hold, something like certainty, instead of a political chaos, without form or body. Before I consent to go home, I must see something like a safe and honorable issue to our differences with foreign Powers; and I must see, I hope, another thing—something like an attempt to bring the Constitution of this people back to the principles on which this Administration came into power. I take this proposition, and that of the gentleman from Maryland, (Mr. NICHOLSON,) to be two important means of bringing that Administration back to those principles. My friend from Virginia says, he expects, at a future period, to obtain this reform. I fear, if delay be permitted, that we shall get into the situation of another deliberative assembly, of which every member agrees that reform is necessary, but that the present is not the accepted time. I am afraid that we are in this situation already. I believe it, because I see it. It is a most fortunate circumstance that we made hay while the sun shone; that we got in the harvest at the first session of the seventh Congress; that we did away the midnight Judiciary and the internal taxes. If those institutions were now standing, I believe they would be as impregnable as any part of the system around which gentlemen affect to rally. I believe it, because I believe appointments would have their effect. Yes, it is but too true, that patriots, in opposition, are as apt to become courtiers in power, as courtiers in power are fond of becoming patriots in opposition. So far, then, from wishing to postpone this measure, I believe that delay will only serve to enhance the difficulty of obtaining it. It is a maxim laid down by every man that has written on national policy, that those abuses which are left untouched in the period of a revolution, are sanctified by time, and remain as the nest-eggs of future corruption, until they compel a nation, either to sweep them away, or to sink beneath them. This, without any exception, is the history of all corruptions; and those corruptions and abuses, not reformed at the first session of the seventh Congress, what has become of them? Have they been suffered to sleep? If they have, is it not to be apprehended that they will rise refreshed from their slumbers with gigantic strength? Fortunate it was that, at the first session of the seventh Congress the midnight Judiciary and the internal taxes were done away; and it would likewise have been fortunate, if another measure had been attended to at the same time. It would have been, in my firm persuasion, very different in its issue from that which it has been. If the great culprit, whose judicial crimes or incapacity had called for legislative punishment under the Constitution, and which have given rise to the motion now before us, had been accused at the first session of the seventh Congress, that accusation would have had a very different issue. And why? Because it is perfectly immaterial what a man's crimes are—every day that elapses between their commission and the time he is called to answer, lessens the detestation and horror felt for them, and, of coure, enhances the value of his chance of an escape from punishment. I am persuaded that, in the remarks I have offered, I have been hurried into some observations that do not strictly belong to it. Yet these remarks furnish a sound reason for not deferring the proposition until the time moved by my colleague. I hope, therefore, the House will reject the postponement until the third Monday of March, and that a postponement will take place to some time when the House shall be fuller, when a decision can be made after mature reflection. For, truly, as to the provision under the Constitution, can any man be so mad or foolish as to think of again trying it? I consider the decision of the last session as having established this principle—that an officer of the United States may act in as corrupt a manner as he pleases, without there being any Constitutional provision to call him to an account.

Mr. GREGG.—I feel but little concerned as to the fate of this motion. I am ready at any time to give my vote on the resolution. As it now stands, I shall vote against it; but modified, as I have seen it in the hands of a gentleman from Virginia, I shall vote for it. But my principal reason for rising, is to say that a great part of the censure cast on the House by the gentleman from Virginia for not meeting the national business, is proper and applicable; and I regret that it is so. But if the gentleman reflects on the subject, he will acknowledge that a great part of the delay which has occurred, attaches to himself. I, four weeks ago, submitted a resolution to the House

on some points of dispute between one of the belligerent nations and the United States; I was anxious that it should be taken up and promptly decided, one way or another. The gentleman from Virginia then called for certain statements from the Treasury, which he considered as having a bearing on the subject. Under that impression the consideration of the resolution was deferred from day to day; and the statements have not yet been received. I stated, at the time, that these statements could have no influence on my vote; but other gentlemen said, they would influence theirs. I regret that we have not been able to go on with this business. I do not know how long we are to be kept in this paralytic state. If the gentleman who has called for the statements, and other gentlemen will agree, I am prepared at once, to go into an examination of the subject. But, as the gentleman from Virginia was the first to embark the House in this call, I hope he will take a part of the censure to himself.

Mr. SMILIE.—I am sorry the motion of postponement has been made. I do not know any other time better than the present for the discussion of this subject. It is a subject of the last importance to the peace and happiness of the United States. I am a friend to an amendment of the Constitution relative to the Judiciary department. Whether that offered is the best that can be made, or whether it is going too far, I cannot determine until the subject shall have been investigated in this House. For my part, I am so sensible that that part of the Constitution which relates to the power of impeachment is a nullity, that I see the utmost necessity for an amendment. From what we have seen, I do religiously believe that we cannot convict any man on an impeachment. The resolution before you goes to place the Judges of the United States on the same independent footing with those of Great Britain. Whether our situation requires that they should stand upon higher ground, is a proper subject for discussion. I am rather inclined to think they ought not. It is contended, it is true, that, as they have, according to the opinion of some gentlemen, the right of sitting in judgment on our laws, they ought to be placed beyond the reach of a majority of Congress. This subject must, at some time or other, be considered, and some amendment in the Constitution must take place. When the delays and various vexations, attendant on an impeachment, are considered, it will be evident that they will generally discourage the House from taking this step; and when it is likewise considered that a conviction can only take place on the votes of two-thirds of the Senate, let gentlemen say whether there is any chance of making the Constitutional provision effectual. I despair of it. With regard to the particular modification which may be given to this resolution, that is another thing. I sincerely wish the House would take it up and consider it without any great delay.

Mr. CLARK.—I hope my colleague will do me the justice to believe that I have not made this motion from hostility to his resolution. With a small modification, I am decidedly for it. I assure him it did not require the remarks he has made to-day, to show the insufficiency of the present system. Of that I had satisfactory proof the last year. But I doubt whether the resolution, in its present state, is correct. I do hope that my colleague will give it a little more consideration, and I assure him I shall be happy to harmonize with him. In the decision by a mere majority, the scales of justice are so near an equilibrium, that it is doubtful often to which side justice inclines. I, therefore, think there ought to be some modification of the principle contained in the resolution. But I principally wish the postponement to prevail, that the House may act on resolutions which I conceive all-important to the whole country, and peculiarly so to that part of the community represented by my colleague and myself. Every day's delay increases the difficulty and urges on the ruin that menaces them. It is well known that there is not the best harmony between the merchants and planters. It is at all times the interest of the former to buy produce as cheap as they can, and never was there a better scheme for speculation to them than that furnished by the resolutions on our table. How easy it is for them to convince the planter that there will be a suppression of intercourse, and that his produce will be soon worth nothing. These are the effects that I wish to prevent. My colleague will do me the justice to believe that I have had no hand in the procrastination. I have offered no project. With regard to the proposed amendment to the Constitution, I repeat it, I am in favor of it, with a small modification. Nor do I wish it postponed for any great length of time. I have no idea of leaving that to be done by our children which we ought to do ourselves. But let us, in the first instance, proceed to the most important business. Let not my colleague authorize gentlemen to say that, to prevent an attention to it, he interposed his favorite scheme. I have another reason for this postponement: There is no reason for acting on an amendment to the Constitution instantaneously. Most of the State Legislatures, before whom it must be carried before it is a part of the Constitution, have broken up, and will not meet again till the Fall. If, therefore, an amendment be passed at any time during the session, it will answer.

Mr. MASTERS moved a postponement of the resolution indefinitely, for which he concisely assigned his reasons.

Mr. BEDINGER called for the yeas and nays on this motion.

Mr. FINDLEY said he was against the indefinite postponement of the subject, though in favor of its being postponed a short time. He thought it was a subject which ought to be fully investigated. He was decidedly in favor of the object of the resolution, but in a different form.

Mr. CONRAD was in favor of the indefinite postponement of the resolution. He did not think the subject ought to be acted upon at this session. He was not unfriendly to the principle, but he never could consent that a bare majority of Congress

should have the power to remove a judge. If the amendment was so framed as to give the President a discretionary power to remove a judge on the address of a majority of the two Houses, and to make the removal imperative on the vote of two-thirds, he might be for it. At any rate he thought it best to postpone the subject until the next session.

Mr. J. RANDOLPH.—I am perfectly convinced of the correctness and purity of the motives of my colleague on all subjects, and wherever I differ from him in opinion I always consider it a misfortune. But I have principally risen to plead guilty to the charge of the gentleman from Pennsylvania, which is, that I would not act on his motion without any information on it. I confess the fact. There is, however, one circumstance that strikes my mind as of some force. What is there to prevent our discussing the business, and when there shall be occasion to take up business of greater national importance, dispensing with that which may be before us. I ask whether, if we had taken up this resolution or that of the gentleman from Pennsylvania, we should not have had ample time for discussion before the information called for shall be received from the Secretary of the Treasury; and if we have not the right, at any time, to make less important give way to more important business? Is not this the course which every man pursues in the management of his private affairs? Are we to sit here, without receiving information from the Secretary of the Treasury, doing nothing? I am as anxious as any man for a decision of the question implicated in several of the resolutions laid on our table, and for a good reason. My tobacco is unsold. I feel the full force of the observations of my colleague. I know that these resolutions have already given rise to much nefarious speculation. When I called for information, I had no idea of the time it would take to get it; and had I been apprized of it, I do not know whether I should not have preferred acting in the dark to waiting for it.

There is another reason why I wish this subject (amendment to the Constitution) taken up at this session. When I offered this resolution at the last session, it was said to be too near the close of the session to act upon it—this was acknowledged. But, it was said, print it and let it go abroad. This has been done. But the reason for which I wish it acted upon this session is, that the elections intervene between this and the next session. Gentlemen may say what they please of the principle of *quamdiu bene se gesserit*, but I believe if the members of this House held their seats for seven years, their conduct would not be the same as it is under the present tenure. I wish to recur to that good old principle that sends the Representative back to render an account of his actions to his constituents. After the next election gentlemen will obtain credit for two years more of good behaviour. I believe my friend from Virginia will allow this to be a good reason against a postponement.

But I am told this amendment comes forward in a very questionable shape; that, indeed, it is no amendment to the Constitution. But this is the first time I ever knew a legislative body refuse to act on a proposition barely because it may require some amendment. If there are any parts of the proposition exceptionable, while the principle is correct, why not amend them? I confess this thing is beyond my depth. I cannot see into it. I cannot fathom it. As gentlemen have stated the substance of the resolution as a reason for its postponement, I will state its substance as a reason for not postponing it. One gentleman says he will not consent that the judges shall hold their offices subject to the will of a bare majority of the two Houses. But does not everything of importance depend on them? Do they not appropriate millions? Do they not hold the purse and the sword? Or do gentlemen think the woolsack more important? This is most indubitably the case; and I wish to hear any reasoning against giving efficiency to the will of a majority that does not approximate the doctrine of the Polish veto. There can be no reason for this distinction. And, so far from there being danger of this power being abused, the experience of all Governments holds me out in saying that there is greater danger that the power will not be exercised than that it will be abused. For this plain reason: It would require some overt act of notorious misconduct, or an equally notorious imbecility of mind or body, to justify any man in giving such a vote. It is a point of extreme delicacy to give it; and though some men might. I trust a majority of both branches never would give such a vote for light and frivolous reasons But it may be thought that, as in all free Governments there are parties, a triumphant party would turn out the judges to get into their places. This would be a most humiliating effect. But on what is the probability of such an effect founded? How are the turners out to be turned in? Have they the power to appoint themselves to office? No. And from our experience heretofore, no such inference can be drawn. There is no probability of one triumphant faction putting down another to get their offices. Because a triumphant faction could not rise to power but at the will of a majority; and although they might take offices away from others, they could not bestow them upon themselves. But suppose they did? It would be for the first and last time. It would be a struggle between office-hunters and the people; and I believe all the experience we have heretofore had shows that this description of men are too prone to union for the public to sustain either profit or loss from their divisions. But if in this opinion I am in error, I would recur back to my first principle to support me. Is the power to remove a judge more important than the power of declaring war, of laying taxes, and of effecting various other national objects? This is a doctrine to me totally unintelligible.

Mr. SMILIE observed that he regretted that the motion for an indefinite postponement had been made, as it was equivalent to a rejection of the resolution.

The question was then taken, by yeas and nays,

on an indefinite postponement, and passed in the negative—years 42, nays 81, as follows:

YEAS—Willis Alston, jun., Barnabas Bidwell, Phanuel Bishop, James M. Broom, Martin Chittenden, Frederick Conrad, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., Peter Early, Caleb Ellis, Ebenezer Elmer, William Ely, James Fisk, Seth Hastings, William Helms, David Hough, Joseph Lewis, jun., Henry W. Livingston, Josiah Masters, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Martin G. Schuneman, John Cotton Smith, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, and Nathan Williams.

NAYS—Evan Alexander, Isaac Anderson, David Bard, Joseph Barker, Burwell Basset, George M. Bedinger, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, John Boyle, William Butler, George W. Campbell, John Campbell, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jun., Jacob Crowninshield, John Dawson, William Dickson, Elias Earle, James Elliot, John W. Eppes, William Findley, John Fowler, James M. Garnett, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Michael Leib, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Thomas Newton, jun., Joseph H. Nicholson, Gideon Olin, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, David Thomas, Uri Tracy, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, and Thomas Wynns.

Mr. CLARK then varied his motion so as to postpone the resolution to the second Monday in March.

Mr. J. CLAY said he wished the gentleman would withdraw his motion, and move a postponement till next Monday. He was very sensible of the importance of the subject, and was only sorry that there was not a prospect of obtaining a Constitutional majority in favor of the resolution. Mr. C. said they had been told by his colleague (Mr. CONRAD) that he was ready to vest the President with a discretionary power to remove a judge on the address of the two Houses. But if the gentleman had attended to the politics of his own State he would have seen the impropriety of such authority; the consequence of which was that a judge, whose removal had been requested by the two branches of the Legislature, actually held his place at the discretion of the Governor. The other alternative his colleague had suggested was worse than the present provision, as at present a majority of one branch and two-thirds of the other were sufficient to remove a judge. Mr. C. concluded by expressing a hope that the gentleman from Virginia would agree to a postponement till next Monday.

Mr. CLARK said he had no objection.

The question was then put, and the postponement to Monday next carried.

PLURALITY OF OFFICES.

Mr. J. RANDOLPH.—I beg leave to submit a motion to the House—a very important motion—which at present I only mean to lay on the table. The Constitution of the United States has provided that no person holding an office under the Government of the United States shall be capable of holding a seat in either House of Congress. But as the best things are liable to corruption, and as we are told the corruption of the best things is always the worst, so the Constitution of the United States has received in practice a construction which in my judgment the text never did and does not warrant, but which, if warranted by the text, is totally repugnant to the spirit of that instrument, which, composed of the jarring interests of the different States, and settled on the basis of compromise, gave birth to a Government of responsibility, without influence, without patronage, without abuse, without privileges, attached to any individual, class, or order of men. It could not have been the object of such an instrument, that while a man holding an office not exceeding the value of fifty dollars should be excluded from a seat in this House, a contractor living on the fat of the land should be capable under the Constitution of holding one. Look through the whole of the Constitution, and say where such a privilege is to be found. You find there the single principle of republicanism, that he who has the influence derived from power and money shall not have a place in the council of the nation—that placemen and pensioners shall not come on this floor. While this principle scrupulously excludes men holding responsible offices—men known to the whole world—shall it be considered as permitting contractors to creep in through the crevices of the Constitution, and devour the goods of the people? Such a departure from the spirit, if not from the letter of the Constitution—such a gross evasion of principle—calls aloud for remedy. Can a man who holds a contract for fifty or an hundred thousand dollars give an independent vote on this floor? If so, why not admit the Chief Justice and other high officers under the Government to a seat here? Is it for any other reason, but that the Constitution will not permit the influence derived from office to operate here?

The Constitution may be tried by another test. It was made for the good of the people under it, and not for those who administer it. It was never intended to be made a job of, and I hope it never will be suffered by the people to be made a job of. I think it is contrary to the tenor of the Constitution to hold a plurality of office. We sometime since received a petition from a learned institution to exempt books imported by them from duty. What did we say on that occasion? We said, no; we cannot exempt your books from duty. All

must conform to the laws. There is no man too high or too low for them. The same measure must be meted to all. To my extreme surprise, I see a practice even more repugnant to the spirit of the Constitution than a contractor sitting in Congress; and that is, an union of civil and military authority in one person—an union more fatal to a free nation than the union of Executive, Legislative, and Judicial powers.

Having made these remarks, Mr. R. offered the following resolutions, which were referred to a Committee of the whole House on Tuesday next:

"Whereas it is provided by the sixth section of the first article of the Constitution of the United States, that 'no person holding any office under the United States shall be a member of either House of Congress during his continuance in office;' therefore,

"1. *Resolved*, That a contractor under the Government of the United States is an officer within the purview and meaning of the Constitution, and, as such, is incapable of holding a seat in this House.

"2. *Resolved*, That the union of a plurality of offices in the person of a single individual, but more especially of the military with the civil authority, is repugnant to the spirit of the Constitution of the United States, and tends to the introducing of an arbitrary Government.

"3. *Resolved*, That provision ought to be made by law to render any officer in the Army or Navy of the United States incapable of holding any civil office under the United States."

TUESDAY, February 25.

An engrossed bill to amend the act, entitled "An act concerning the Library for the use of both Houses of Congress," was read the third time, and passed.

The House proceeded to consider the amendment proposed by the Senate to the bill declaring the consent of Congress to an act of the State of Pennsylvania, entitled "An act to empower the Board of Wardens for the port of Philadelphia, to collect a certain duty on tonnage, for the purposes therein mentioned:" Whereupon,

Resolved, That this House doth agree to the said amendment.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

MILITARY LAND WARRANTS.

Mr. JACKSON called for the bill to continue in force an act, entitled "An act authorizing the Secretary of War to issue military land warrants, and for other purposes." The bill was gone through with in the Committee of the Whole in a few minutes, and the House immediately took it up. After debating about one hour whether to postpone or recommit the bill,

Mr. SLOAN said—I have listened attentively to the arguments *pro* and *con* relative to a recommitment. One argument in favor of a recommitment, I must adduce, which, I am confident, can be considered no otherwise than conclusive; we were, last week, out of business, we may be so again; but, by thus playing back and forth, by committing, recalling, and recommitting, we shall have something to do, and keep out of the evils of idleness.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-day.

DANISH BRIG HENRICK.

Mr. J. C. SMITH called up the bill for enabling the President to make restitution to the Government of Denmark, for the capture and condemnation of the Danish brigantine Henrick and cargo. She had been captured by a French privateer in 1799, and soon after captured by the American armed ship, the Pickering, and was condemned and sold, contrary to law, it being neutral property.

Mr. SMITH moved to fill the blank with forty thousand dollars.

Mr. CROWNINSHIELD opposed the bill; and Mr. J. C. SMITH defended and explained. Passed to a third reading for to-morrow—71 in the affirmative.

INTERCOURSE WITH ST. DOMINGO.

Mr. EARLY called up the bill prohibiting intercourse with St. Domingo.

Mr. NICHOLSON moved, (to try the sense of the House, whether they really wish to make the provisions of the bill so secure as to prove effectual in stopping the intercourse,) that the owner should be bound in one or more sufficient surety or sureties, to the satisfaction of the collector of the district. If merchants ask protection of us, they must agree to such prohibitions and exactions as we propose. There are many ways by which the law may be eluded; by fraud and by bankruptcy; by increasing the number of securities, and the sum of the bonds, we diminish the chances of evading the law. All our disputes with other countries, (except the detention of the Western posts,) have arisen from our commercial affairs; the Government has expended fifteen or twenty million of dollars, in the erection and maintenance of a navy to support commerce. Can it, then, be considered a hardship that Government should demand ample security? Cannot the honest and respectable merchant obtain it with ease?

Mr. EPPES.—I am opposed to the amendment offered by the gentleman from Maryland. No law can prevent the evasion of our merchants, if they are determined to trade with the inhabitants of that island.

Mr. CROWNINSHIELD.—I am decidedly opposed to the amendment. If the bill passes, as I understand it, there must be a liability to double forfeiture; the vessel and cargo are forfeited, if detected on their passage home from St. Domingo, and the bond is also forfeited. The bill as it now stands will prove extremely burdensome to the commerce of our country; the burdens are heavy and unnecessary. I think I should vote for the bill were it divested of the burdensome exactions. But, pass what law you please, you cannot stop the intercourse between citizens of the United States and the inhabitants of St. Domingo. If they cannot trade directly from the United States they will remove to some of the West India

islands and continue the intercourse, or the intercourse will be continued by agents in those islands. But, I fear the effect the passing this law may have on the inhabitants of that island. I fear that, in the spirit of resentment, when they hear of the passage of this bill, they will turn to a nation of pirates, as it respects us; and that you will either be obliged to send a fleet into the West India seas, for the protection of your commerce, or be obliged to see it sacrificed. I know not why it is necessary for us, at this time, to pass any bill on the subject. I know not why France should wish such a bill. France will herself, probably, be a loser by its passing. I think we have a right to trade with the inhabitants of that island. Suppose the inhabitants of Jamaica, or the black and white inhabitants of any other ——

Mr. EARLY asked if the gentleman was in order?

Mr. CROWNINSHIELD.—I'll stop if the Speaker so decides, or if any gentleman in the House wishes it.

The SPEAKER.—The gentleman will proceed, if he pleases.

Mr. CROWNINSHIELD.—I had but a word to say. Suppose, sir, there should be a revolt in the East Indies, and England should interdict our trade with Calcutta, with Madras, &c., should we obey? But I will not enlarge. I sincerely hope the bill will not pass.

The yeas and nays on the amendment were—for it 22, against it 95, as follows:

YEAS—David Bard, Burwell Bassett, Robert Brown, John Claiborne, Joseph Clay, Matthew Clay, James M. Garnett, David Holmes, John G. Jackson, Michael Leib, Nicholas R. Moore, Jeremiah Morrow, Joseph H. Nicholson, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, John Smilie, Samuel Smith, Matthew Walton, John Whitehill, Robert Whitehill, and Alexander Wilson.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, William Blackledge, John Blake, junior, Thomas Blount, James M. Broom, William Butler, Levi Casey, John Chandler, Martin Chittenden, Christopher Clark, George Clinton, jun., Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, John Hamilton, Seth Hastings, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, junior, Henry W. Livingston, Matthew Lyon, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Cotton Smith, John Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Richard Winn, and Thomas Wynns.

Mr. SMILIE.—Have we, or have we not a right to carry on trade with St. Domingo without the consent of France? That is the question before the House. Either give up the trade, or acknowledge the independence of Hayti. I am of opinion that, while we acknowledge the rights of France over that island, that we cannot trade with its inhabitants without the consent of France.

It was moved that the bill be read the third time to-morrow; which was negatived, and it was ordered to be read this day. The bill being read the third time—

Mr. MCCREERY opposed its passage in an argument of considerable length.

Mr. CONRAD called for the ayes and noes; which were ordered.

Mr. J. C. SMITH said, he rose merely to express his satisfaction that the ayes and noes were ordered on this question. I consider, said Mr. S., all discussion of the merits of the bill as perfectly fruitless. The rapid manner in which it has been hurried thus far through the House, utterly precludes all deliberation, and is a sure prognostic of its final passage. It is a measure which will greatly embarrass all our foreign commerce, and if it is to have its intended effect, which I much doubt, because I believe its defective provisions will be easily defeated or evaded, it must prove completely ruinous to a lawful and valuable branch of our trade. But, as a measure of policy, I consider it absolutely destructive of the best and dearest rights of this country. Sir, the secret is out; the fact cannot be concealed that this bill is dictated by the Government of France. The imperious mandate of the French Minister is published to the world; and the connexion between his orders and this act of obedience and submission will be clearly perceived and universally acknowledged. I presume not to arraign the motives of other gentlemen; they, doubtless, have reasons which justify the measure to themselves. Indeed, it is impossible their impressions can be like mine. For myself, I view the bill, under all its circumstances, as a surrender of all the rights of self government; as a sacrifice of the honor and independence of this nation upon the altar of Gallick despotism. To this sacrifice I never can, I never will consent; and it is, therefore, with pleasure I shall record my decided negative upon the Journal of the House.

Mr. J. CLAY.—We cannot trade with them without acknowledging their independence. If gentlemen are ready to do this, I shall consider it as a sacrifice on the altar of black despotism and usurpation.

Mr. DANA.—I rise, sir, to declare my approbation of the sentiments expressed by my honorable colleague, Mr. J. C. SMITH.

This bill, from the nature of its provisions, I consider as inadequate to prevent the trade with

the island of St. Domingo. At the same time, considering the circumstances under which it has been pressed upon our attention, I view it as peculiarly exceptionable in principle, and as involving consequences which may be severely injurious in practice.

I will not attempt, at this time, to state the various possible consequences of passing the bill. Without estimating the probability of its being regarded by those who now rule in Hayti as an act of hostility against them, and, therefore, as a cause for their exercising hostilities against this country; without intimating the tendency of such measures to drive them to attempt maritime enterprises, and thus to raise up in the West Indies a black Algiers, distinguished by activity and ferocity; without presenting to view the consequent dangers to the property of our merchants and the lives of our seamen; the single consideration of the circumstances under which we are now required to act upon this subject, is sufficient to decide my vote against the present bill, even if it were otherwise of no moment. As one of the Representatives of the people of the United States, I hold it not my duty to bow to the mandate of any foreign Power. In this light I view the communications laid before the Senate, from Talleyrand and the French Minister Plenipotentiary, requiring the interdiction of trade with St. Domingo, under the order of their imperial master. With such sentiments, it is impossible for me to be in favor of the present bill.

Mr. RHEA, of Tennessee.—I deny that this bill is the effect of any request or order of the French; it is an act of justice.

Mr. QUINCY.—It was my intention to have entered fully into an examination of the principles of this bill, but, like the gentleman from Connecticut, I deem myself precluded from executing this purpose, by the temper and disposition discovered by the House. In a commercial view, it will affect my particular constituents but little. The merchants of Boston have been concerned in this commerce to a very limited degree only. There are, however, principles in the bill affecting commercial convenience generally, which I should have deemed it my duty to have considered, if the course of proceeding adopted by the House, had not convinced me that it was not by argument that this bill was to be carried, or could be defeated. The bill was laid upon our tables yesterday. In half an hour after, we were called into Committee of the Whole upon it, through which it passed instantly without amendment. The report of the Committee was immediately considered, and a motion to postpone for a single day only, was violently opposed by the gentlemen from Virginia, (Mr. EPPES,) and from Massachusetts, (Mr. BIDWELL.) It is true, as has been said, this subject has been long before the Senate, but it is the first time that I ever heard that the members of this House were in duty bound to be prepared to act immediately upon an important question, because it had been long under the consideration of the other branch of the Legislature. A similar degree of haste and determination to press this bill to its final passage, has been equally apparent in this day's debate. Considering the magnitude of its principles and consequences, the course adopted is unprecedented. Under other circumstances, and had time been allowed for the investigation, I should have held it my duty to have shown, as I think it might be done, that our restrictions of this commerce ought to extend only to military apparatus, and not to the denial of the ordinary necessities and conveniences of life; that the laws of nations require that we should exercise a strict neutrality between France and Hayti; and that a declaration of non-intercourse was, and probably would be considered, by the inhabitants of that island, as a declaration of war. But opportunity has not been allowed for the examination requisite to the establishment of these points, and there is obviously no disposition to attend to it were it made. I shall, therefore, merely record my negative to the bill.

Mr. ELMER.—I know of no foundation for the declaration, that this bill is the effect of an order from the Minister of France. I believe no such order would affect a single member on this floor. Policy requires, our duty requires, the passing of this bill. The subject has been fully discussed, this and the last session; there is no haste; if gentlemen wish to amend, let their amendments be brought forward; if they wish further to discuss, the House is ready to listen; the principle of this bill is already settled, and has long been. I look not at consequences; I look to what policy and duty require. We must offend France or Saint Domingo; but I see not why St. Domingo should be up in arms at the passage of this bill. I fear the offence of no nation; I fear only doing wrong as a man, and as a legislator; I fear more the consequences of not passing, than I do of passing this bill.

Mr. EARLY.—I had hoped this bill would pass without such observations as the House has been compelled to hear; I had hoped that the gentleman from Connecticut, (Mr. SMITH,) usually so distinguished by the urbanity and correctness of his deportment in debate, would have forborne such expressions of bitterness and wrath. But the gentleman could not omit this opportunity of opposing the present Administration. The gentlemen who now oppose the bill were the cause of its not being adopted the last session. When we wished to pass this bill the last session, gentlemen who are now opposed to it, prevented its passage by saying that there was no cause for it, and we were told to wait till France should remonstrate against the intercourse. Well, France has remonstrated, and now the same gentlemen tell us not to pass the bill, because she has remonstrated. Strange! There may be other grounds of objections to this bill, which gentlemen choose not to avow. There is a disposition, not only in this House, but elsewhere—in the public prints—which fills my mind with awe. After all we can do, the object seems to be to draw down on us the wrath of other Governments. Look at a celebrated publication in the Philadelphia gazettes. What is the object of that; and what is the object

now? Why, to tell the revolters of St. Domingo that they have just cause of offence or of war.

Mr. EPPES.—I rise to express my approbation of the novel manner in which some gentlemen have expressed their disapprobation of this bill. A gentleman from Connecticut rejoices to negative this bill; another gentleman from Connecticut coincides with him, and a gentleman from Massachusetts perfectly agrees with him.

Every nation, when injured, has a right to demand redress. Has not France, then, this right? Some gentlemen would declare St. Domingo free; if any gentleman harbors such sentiments let him come forward boldly and declare it. In such case, he would cover himself with detestation. A system that would bring immediate and horrible destruction on the fairest portion of America.

Mr. ELY.—The amount of the trade, and the exact situation of this country, I knew little of till yesterday. I have attended to the observations that have been made; but I have scarcely heard any reason given why this bill should be passed. Hence, I am inclined to think that reason had little to do in the business, unless they are secret reasons. I wish for reasons for passing the bill; but the discussion has only afforded me reasons against them. Have these Haytians no rights? If they were once subjects of a Government that can no longer hold them, has that nation any right to call on us to starve them out; to starve these people into subjection to that Power? Gentlemen have said that we wish war. I trust not. I love a clear sky, good looks, and pleasant feelings. I love peace, and wish it as much as any gentleman in the House. It is suggested, and I fear too truly, that these people, rude, untutored sons of nature, fired with the full force of the *lex talionis*, when they come to hear of this bill, will arm, harass, and will swarm round our West India trade, and thus injure one fourth of our commerce. I deny the right of the French to dictate, as has been done. I deny the necessity or policy of yielding to the orders of the French Minister.

Mr. SMILIE.—I deny that the inhabitants of St. Domingo are a nation. Has the United States, or any other nation, acknowledged them so? No. How, then, are they to be considered other than a part of France?

The bill passed—yeas 93, nays 26, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, John Boyle, William Butler, George W. Campbell, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jun., Frederick Conrad, Orchard Cook, Leonard Covington, Richard Cutts, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, David Holmes, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Michael Leib, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Elipha-let Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Thomas Wynns.

NAYS—Silas Betton, Martin Chittenden, Jacob Crowninshield, Samuel W. Dana, John Davenport, jr., James Elliot, Caleb Ellis, William Ely, Seth Hastings, David Hough, Henry W. Livingston, Matthew Lyon, William McCreery, Jeremiah Nelson, Timothy Pitkin, junior, Josiah Quincy, John Cotton Smith, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Killian K. Van Rensselaer, Daniel C. Verplanck, and Peleg Wadsworth.

WEDNESDAY, February 26.

An engrossed bill to continue in force an act entitled "An act to authorize the Secretary of War to issue military land warrants, and for other purposes," was read the third time, and the bill recommitted to a Committee of the Whole immediately. The House accordingly resolved itself into the said committee; and, after some time spent therein, the Committee reported an amendment thereto, which was twice read and agreed to by the House.

Ordered, That the said amendment be engrossed, and, together with the bill, read the third time this day.

Mr. BIDWELL, from the committee appointed on the twenty-second of January last, presented a bill prescribing the effect in each State of the records of judgments and decrees of the courts of record of every other State; which was then read twice, and committed to a Committee of the Whole on Friday next.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act for altering the time for holding the Circuit Court in the district of North Carolina;" Whereupon,

Resolved, That this House do agree to the said amendment with an amendment.

An engrossed bill enabling the President of the United States to make restitution to the Government of Denmark, for the capture and condemnation of the Danish brigantine called the Henrick, and her cargo, was then read the third time, and passed.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That —— dollars ought to be appropriated out of any money in the Treasury not otherwise appropriated, for the immediate relief of Peter Landais, late a captain of one of the armed vessels of the United States, on account of his claim to prize money accruing from the captures made and carried into Bergen, in the year one thousand seven hundred and seventy-

nine; which sum shall be deducted from his proportion of the prize money, which may be procured from the Danish Government in satisfaction of the claim aforesaid.

Ordered, That the said resolution be referred to the consideration of a Committee of the Whole this day.

The House accordingly resolved itself into the said Committee, and after some time spent therein, the Committee rose and reported to the House their agreement to the same. Whereupon,

Resolved, That this House do agree with the Committee of the whole House in their agreement to the said resolution.

Ordered, That a bill, or bills, be brought in pursuant thereto; and that the Committee of Claims do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a resolution appointing a committee, jointly, with a committee to be appointed on the part of the House of Representatives, for the purposes expressed in the "Act for the further support of a Library."

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland to the State of Ohio." The bill was reported with several amendments thereto.

REMISSION OF DUTIES.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, having considered the petition of Tristram Hussey, of the island of Nantucket, in the State of Massachusetts, made the following report:

The petitioner, with Edward Cary, jun., and others, merchants, of Nantucket, were, and still are, the owners of the ship Union. This vessel has been, for some time past, employed in the whaling business, with an American master and crew, regularly documented as a vessel of the United States. In the year 1801, on the passage to the Brazils, and before they arrived at the Cape de Verd Islands, they obtained eight casks of spermaceti oil, and sent the same to New York in an American vessel. The collector charged seventy-two dollars and fifteen cents duty on the oil, notwithstanding it was the produce of American fisheries. Upon a second voyage in the same ship, in the following year, they procured twenty-seven casks of oil, from whales taken on the passage, prior to passing the Cape de Verd Islands, and shipped the same also in an American bottom to New York, where the collector again demanded a duty on its importation, and they were obliged to pay a further sum of three hundred and twenty-three dollars and twenty-five cents for the duties. In both instances, the oil was not landed at any foreign port. It was actually taken from the ship Union, and put on board American vessels; and the proof exhibited to the committee is incontestable that it was the produce of the American whale fishery. The collector of New York might, with equal propriety, have charged a duty on the whole cargo of oil imported in the Union, had she entered at that port, as in the two cases under consideration. It appears that American oil cannot be subject to any duty whatever. There is no law known to the committee that seems to authorize a similar charge. No duty can be collected on articles of the growth, produce, or manufacture, of the United States; and, wherever any American articles have been returned from foreign countries, the duty is believed to have been invariably remitted, or rather none has ever been demanded. Codfish, taken by American fishermen, in American vessels, are not chargeable with duty, whether imported in the vessel in which they were caught, or on any other American bottom; surely, then, oil of the American fisheries must be entitled to a similar exemption from duty. The committee are of opinion that Congress ought to relieve the petitioners from the payment of the duty charged to them, without the authority of law to warrant it; and they beg leave to submit the following resolution:

Resolved, That the prayer of the petitioner is reasonable, and ought to be granted.

The report was referred to the Committee of the Whole to-morrow.

THURSDAY, February 27.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Commissioners for the district east of Pearl river, of British grants for lands lying in the said district, pursuant to the provisions of the seventh section of the act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee;" which were read, and ordered to be referred to the Committee on the Public Lands.

On motion, it was

Resolved, That a committee be appointed to consider the expediency of amending the law relative to patents for inventions or discoveries in the useful arts; and to report thereon by bill, or otherwise.

Ordered, That Messrs. DANA, FISK, SPALDING, ALEXANDER, and SMILIE, be appointed a committee pursuant to the said resolution.

A petition of sundry inhabitants of the Territory of Lousiana was presented to the House and read, praying that such of them as had families, or were actual inhabitants of the said Territory, on or before the 20th of December, 1803, may have granted to them, respectively, a tract of land of one mile square, together with the usual allowance granted to the wife and family of each settler, according to the usages and customs heretofore established in the said Territory.

Also, a petition of sundry inhabitants of the district of Vincennes, in the Indiana Territory, praying, for the reasons therein set forth, that further time may be allowed to them for filing notices, and making proofs of claims to lands within the said district.

Ordered, That the said petitions be severally referred to the Committee on the Public Lands.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, who were directed by a resolution of the House, of the fifth instant, "to inquire into the expediency of authorizing the Secretary of the Treasury to cause a survey to be made of the shoals of Cape Hatteras, Cape Lookout, and the Frying Pans," made a report

thereon; which was read, and ordered to lie on the table.

Mr. CROWNINSHIELD, from the same committee, presented a bill directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed; which was read twice and committed to a Committee of the Whole on Monday next.

An engrossed bill to continue in force an act, entitled "An act to authorize the Secretary of War to issue military land warrants, and for other purposes," was read the third time, and passed.

Mr. G. W. CAMPBELL, from the committee to whom were referred, on the tenth of December last, the petition of the Legislative Council of the Territory of Orleans; and, on the third ultimo, a memorial of the House of Representatives of the said Territory, made a report thereon, in part, which was read, and ordered to be referred to a Committee of the Whole House on Monday next.

The House proceeded to consider the resolution of the Senate appointing a committee, jointly with a committee to be appointed on the part of the House of Representatives, for the purposes expressed in the "act for the further support of a library:" Whereupon

Resolved, That this House doth agree to the said resolution, and that Mr. JOSEPH CLAY, Mr. T. M. RANDOLPH, and Mr. DANA, be appointed a committee on their part.

The House resolved itself into a Committee of the Whole on the bill removing the limitation of the right of suffrage in the Mississippi Territory, and empowering the Legislature thereof to increase the number of Representatives in the General Assembly by a given ratio to that of electors; and, after some time spent therein, the Committee rose, and had leave to sit again.

IMPORTATION OF SLAVES.

An engrossed bill for imposing a tax of ten dollars on all slaves hereafter imported into the United States, was read the third time.

A motion was made, and the question being put, that the farther consideration of the said bill be postponed indefinitely, it passed in the negative—yeas 42, nays 69, as follows:

YEAS—Willis Alston, jr., George M. Bedinger, Silas Betton, Phanuel Bishop, William Blackledge, Thomas Blount, Willliam Butler, John Campbell, Levi Casey, Martin Chittenden, Christopher Clark, Matthew Clay, Jacob Crowninshield, Samuel W. Dana, John Davenport, jr., Elias Earle, Peter Early, James Elliot, Caleb Ellis, Edwin Gray, John G. Jackson, Thomas Kenan, Duncan MacFarland, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Gurdon S. Mumford, Timothy Pitkin, jr., John Randolph, John Rhea of Tennessee, Thomas Sandford, John C. Smith, Thomas Spalding, William Stedman, Samuel Tenney, Thomas W. Thompson, David R. Williams, Richard Winn, and Thomas Wynns.

NAYS—Evan Alexander, Isaac Anderson, Jos. Barker, Burwell Bassett, Barnabas Bidwell, John Blake, jr., Robert Brown, John Chandler, John Claiborne, Joseph Clay, Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, William Dickson, Ebenezer Elmer, William Ely, William Findley, James Fisk, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, David Hough, Walter Jones, Nehemiah Knight, Michael Leib, Joseph Lewis, jr., Matthew Lyon, Patrick Magruder, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Jonathan O. Moseley, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Rea of Pennsylvania, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Lewis B. Sturges, Benjamin Tallmadge, David Thomas, Philip R. Thompson, Uri Tracy, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, and Alexander Wilson.

On motion,

Ordered, That the said bill be recommitted to Mr. SLOAN, Mr. FISK, Mr. EPPES, Mr. QUINCY, Mr. J. C. SMITH, Mr. J. CLAY, and Mr. MARION.

PRIZE MONEY.

A bill for the relief of Peter Landais was read a first, second, and third time, and passed. The petitioner claimed prize money due him in 1799; his claim was upward of $12,000.

Mr. SMITH, who reported the bill, stated that he believed the petitioner at present wished but a part of the sum due him; and he would thank any gentleman to name a sum with which to fill the blank.

Mr. NICHOLSON gave a very affecting statement of the petitioner's situation, and moved to fill the blank with $6,000. It was so filled without a dissentient voice.

JOURNALS OF CONGRESS.

Mr. CLAY called for the resolution to purchase one hundred and thirty sets of Folwell's edition of the Journals of Congress under the Confederation.

Mr. JACKSON.—I do not perceive that these Journals are more valuable, in a political view, or more necessary for members of Congress, than many other works that could be mentioned. I see not why the laws of Congress, or the laws of nations, highly valuable and necessary treatises, should not claim a place in point of utility as soon as the Journals of the Old Congress. I am opposed to the resolution, not on account of the sum, but from my dislike of the principle. You may as well take so much money from the Treasury, and purchase what books you please. There are many new members in this House, who are interested; the books are for the new members of this and succeeding Congresses. I have some doubts of the propriety of their voting.

Mr. LEIB.—The new members are interested; so also were the members who have heretofore voted for the purchase of these Journals for themselves. I received, when I became a member of this House, a set of these Journals; I wish those who come after me may also receive them. I would mete to others the measure that is meted to me.

Mr. ALSTON.—Our predecessors have not all

been furnished with these Journals. Perhaps this resolution is intended to favor some printer, who has these volumes, and finds it difficult to dispose of them.

Mr. TALLMADGE.—There are 300 copies of these Journals now in the Library.

Mr. LEIB.—These, I presume, are for the use of the members while here.

Mr. BLOUNT.—They are for the use of members here; here they are wanted. I can see no just title that members can have to take home these Journals, more than any other books they may wish to read or to possess.

Mr. JACKSON.—Why not also deliver every new member copies of the proceedings of Congress, and the laws, since the commencement of the present Constitution? There are three hundred sets of these volumes in the Library, for the use of members. At the commencement of a session any member can take out a set, take them to his lodgings, keep them during the session, and return them at its close. This has been my practice.

Mr. NICHOLSON.—I observe several new members disinclined to vote on this occasion. When I was a new member, I voted in favor of a similar resolution with great readiness. I consider these Journals as the best volumes in my library. I wish a greater extension to the circulation of these volumes. Let the events of those times be more fully known, and remembered, that they may be handed down to posterity. I fear we are forgetting those times; we are forgetting the occurrences of those days; and, sir, forgetting the great principles which governed the Revolution. Let us bring back those principles. Hard, distressing, indeed, were those times; times they truly were in which the souls of men were tried. Such may I never see again; but, would to God I could discover a return of the great and excellent principles that reigned in those days.

Mr. JACKSON.—I rise to make some remarks in reply to the gentleman from Maryland.

Mr. NICHOLSON.—Will the gentleman suffer me to explain? In my observations, I had no reference whatever to the gentleman from Virginia, nor to his arguments.

Mr. JACKSON.—I am extremely sorry that, in the course of my remarks, I should ever be obliged to take notice of the gentleman from Maryland, or of his arguments; it is not from any respect I bear him.

Mr. NICHOLSON.—I much regret that anything which I may have said should have given rise to such ebullition of wrath as has been exhibited by the gentleman from Virginia. I am not desirous of obtaining that gentleman's respect; if I wished it, I might court it by pursuing a line of conduct like his. I might thus obtain his respect; but I prefer the pursuit of my own ways, that I may be able to respect myself.

The yeas and nays were called. The yeas were 76—nays 31, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., James M. Broom, Robert Brown, John Campbell, Levi Casey, John Chandler, John Claiborne, Chris. Clark, Joseph Clay, G. Clinton, jun., Fred. Conrad, Orchard Cook, Jacob Crowninshield, John Davenport, jun., Elias Earle, Peter Early, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, Silas Halsey, Seth Hastings, David Holmes, Walter Jones, James Kelly, Nehemiah Knight, Michael Leib, Joseph Lewis, junior, Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Joseph H. Nicholson, Timothy Pitkin, junior, Josiah Quincy, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Thomas Sandford, Martin G. Schuneman, John Smilie, John Cotton Smith, John Smith, Henry Southard, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, John Whitehill, Eliphalet Wickes, Alexander Wilson, and Thomas Wynns.

NAYS—Burwell Bassett, William Blackledge, Thomas Blount, William Butler, Martin Chittenden, Leonard Covington, Richard Cutts, William Dickson, James Elliot, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, William Helms, David Hough, John G. Jackson, Duncan MacFarland, John Morrow, Gideon Olin, Peter Sailly, Thomas Sammons, Ebenezer Seaver, James Sloan, Samuel Smith, Thomas Spalding, Joseph Stanton, Joseph B. Varnum, Peleg Wadsworth, David R. Williams, and Richard Winn.

Ordered, That a bill, or bills, be brought in pursuant to the said resolution; and that Messrs. CLAY, SANDFORD, and ELLIS, do prepare and bring in the same.

FRIDAY, February 28.

Ordered. That the committee to whom was referred, on the third ultimo, the memorial of the House of Representatives of the Territory of Orleans, be discharged from the farther consideration thereof, and that such part of the said memorial as remains unacted upon, be referred to the Committee on the Public Lands.

Mr. SAILLY, from the committee to whom was referred on the nineteenth instant, the amendment proposed by the Senate to the bill, entitled "An act to extend jurisdiction, in certain cases, to State Judges and State Courts," reported to the House their agreement to the same, with several amendments.

The House proceeded to consider the said amendments and agreed to the same.

The House resolved itself into a Committee of the Whole on the report of the committee, appointed on the seventh instant, "to inquire whether any, and if any, what additional provisions are necessary to prevent the importation of slaves into the territories of the United States;" and, after some time spent therein, the Committee rose and reported a resolution thereupon, which was twice read, and agreed to by the House, as follows:

Resolved, That it shall not be lawful for any person or persons to import, or bring into the Ter-

ritories of the United States, any slave or slaves that may hereafter be imported into the United States.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that Mr. DAVID R. WILLIAMS, Mr. JACKSON, Mr. SPALDING, Mr. KELLY, and Mr. BLACKLEDGE, do prepare and bring in the same.

DEFENCE OF PORTS AND HARBORS.

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole on the state of the Union.

The resolutions of a select committee relative to the fortification of ports and harbors were read.

The first resolution appropriates one hundred and fifty thousand dollars to this purpose.

Mr. DAWSON advocated the adoption of this resolution.

Mr. CLINTON.—The only question is the most suitable means of defence. If it should be concluded that defence by fixed batteries would be impracticable, let us vote a large sum for the building of gunboats; or go further, and vote a large sum for the increase of our navy. Something must be done. New York has been the scene of pointed insult: seamen have been taken from the bosom of her harbor: and what redress have we had? Why, the President has remonstrated, and the officer who was guilty of this flagrant misconduct has been punished by being taken from a frigate, and placed in the command of a seventy-four. I would have wished that notice had been previously given when this subject would be called up, for I am unprepared to meet it, having left at my lodgings papers relating to it.

Mr. SMILIE.—I shall move that the Committee rise: and I will briefly assign my reasons. I am friendly to the fortification of our ports and harbors; but if we are willing to crouch under all the injuries and insults that have been or hereafter may be imposed upon us, I see no need of fortifying. On the other hand, if there be still left among us some portion of the American character, some of that spirit that was wont to belong to it, then let us defend it by the building of gunboats, the erecting of fortifications, &c. But I first wish to know what this House intend to do, with respect to commercial restrictions and non-intercourse. I think that subject ought to be first settled: I hope therefore the Committee will rise, and have leave to sit again.

Mr. COOK.—I hope we shall prepare for hostility before we provoke it. I trust we shall not compel a declaration of war before we are in a situation to resist. I hope the Committee will not rise.

Mr. DAWSON.—I also hope sincerely that the Committee will not rise. It is to me a matter of astonishment, that in and out of doors nothing is heard but complaints that no effectual measures are adopted, in these times that call so loudly for them: and yet, when an attempt is made to come to something decisive, the first sound that invades our ears is a cry for postponement. If we intend to support the American name and character, it is time something should be done; they are not to be supported by empty declamations, but by energetic measures: and I hope our protection will arise from our measures, and not consist only in words.

Fifty were for the rising of the Committee of the Whole, and fifty-six against it.

Mr. COOK moved to strike out $150,000, the sum to be appropriated to fortifications, for the purpose of inserting $300,000.

Mr. BIDWELL.—I am opposed to striking out. The object of the appropriation is not to put our fortifications in a state of defence against a large fleet; the object is only to repair. I am inclined to distrust the possibility of defending our ports and harbors by land batteries; but I am in favor of repairing. For one, therefore, I hope the motion will not prevail.

For striking out 46—against it 67.

Mr. MACON.—I cannot but consider the present resolution as the commencement of a system of fortifications from one end of the continent to the other. I can see neither the necessity nor the policy of this second trial of the credit of this Government; it was once found that money could not be procured on the credit of the United States for less than eight per cent. per annum.

Three modes of defence are embraced in the resolutions; fortifications, gunboats, and line-of-battle ships. It is in my apprehension much better to expend, if we conclude to expend at all, on one of the proposed ways only. Great Britain has no fortifications of consequence; she places her defence in her navy. No nation can support both.

Gentlemen tell us of an American spirit. I hope I have as much of it as any gentleman; but it is as much the character of the American spirit to conclude cooly, and act accordingly, as to talk loudly. Members of this House are not the only persons to judge of this spirit; our constituents are the proper judges.

We have about a million of dollars to spare in the Treasury; the appropriations which these resolutions contemplate, amount to nearly that sum. Cannot the money be put to a better use? All the money we have spent in fortifications has been useless. If we expend a small sum like this, it will be in vain; we must calculate to a great amount, if we expect completely to fortify. What would $60,000 do towards defending the city of New York? It would effect no defence.

On the subject of the seventy-fours, I am for a different plan. We ought not to think of building till we have navy yards suitable; but, above all, we ought to prepare ourselves to be able to build: We ought to create a vast debt, to fund a debt, for the purpose of building forty or fifty of those seventy-fours. For what can we do with six only in the time of war? They will not dare to venture out. They must be docked here in the Eastern Branch. Six might answer the purpose on the Barbary coasts; but you must have a fleet equal to Great Britain if you expect defence in this way. We cannot build and support such a fleet. I believe it was once demonstrated, by as able a man as ever graced this or any other Legis-

lature, that no nation was ever able to build and maintain a large navy. On the subject of gun-boats, I believe them better adapted to the defence of our harbors than any other. If we were now at war with any nation, however gentlemen may be surprised at the declaration, I think we should do well to lend our navy to another nation also at war with that with which we might be at war; for I think such nation would manage it more to our advantage than ourselves.

Mr. DAWSON.—The honorable Speaker has enlarged on the whole of the resolutions instead of confining himself to the one before the House. He calls this the commencement of a system of fortifications. He must know that it commenced under the former, and has been continued by the present Administration.

Mr. COOK.—I am not sorry that this debate has taken the range it has. Indeed the three resolutions are so connected with each other, that many of the arguments which apply to the first, may with equal propriety apply to the others; they all amount to the question of policy or impolicy of adopting or rejecting this system of defence.

I am in favor of the report of the select committee, because it provides for a species of defence, which alone can be brought into action, against every offending nation.

I consider every class of American citizens as equally entitled to the protection of your Government; and that such was the expectation at the adoption of the Constitution. Are not all classes equally bound to obey your Government? Surely they are. They have all then equally a right to your protection; for protection and obedience are reciprocal duties. Your merchants and your mariners are then as much entitled to protection in their pursuits, as are those whose pursuits are agricultural. Shall your laws give protection to your seamen, your merchants and their property, while in your rivers and ports, or within soundings; and will you abandon them on the high seas, the common property of all nations? Where will you draw the line of demarkation beyond which they shall be at the ban of the empire? They must be protected, sir, in all places. Our dominions consist of land and water—we have a property in severalty, and one in common and undivided. The ocean is this property—it is the highway of nations. The limits of a maritime country, sir, are undefinable.

In encouraging and protecting commerce, you equally encourage and protect agriculture. They depend on each other. A wound given to the one, affects the other. Agriculture and commerce, sir, are not, as some suppose, in hostility to each other; they are co-ordinate and co-relative; the speed of the ship is the speed of the plough. Without the active commerce of this country, agriculture would be choked by a surplus of produce and the want of a market. At a time of peace, at this very time, sir, what ships but Americans can transport the indigenous productions of the country, at a common freight and peace premium? There are none, sir, the increased premium is an abatement of the price of exports. Depress the enterprise of the merchant; abandon the protection of your navigation; and the planter will become dependent on the fortuitous arrival of belligerent ships for a market and a price.

What is the consequence if you do not guard your commerce? The rates of premium will be advanced to an incalculable amount. True, the consumer eventually pays; but the consumers are all your people; who would thus indirectly pay a tax perhaps treble or quadruple the amount of cost in providing and maintaining a naval defence; and which is the most honorable? Which will most impair your revenue, already greatly injured from want of protection?

I have said that the ocean is the common highway of nations; such it ought to be; but new principles are interpolated into the law of nations: robbers and pirates now infest every sea. The Mediterranean no longer excites superior dread; spoliations, insults and injuries, are now brought home to our shores: whole kingdoms are about to be declared in blockade; and I know not what will escape being considered as contraband of war. What, sir, are now the rights of neutrals, but the right to complain? The modern law of nations, sir, is now what a single nation chooses to fashion it for maritime domination.

Sir, it is fairly presumable that a large majority of this House are indignant at our wrongs, and disposed to resent them: on the subject of means only we differ.

Many gentlemen are in favor of acts of non-importation. But will this amount to protection? to that protection, sir, to which our commercial brethren are so justly entitled? Our merchants have suffered greatly; some half, and some wholly ruined. Shall we, for their satisfaction, tell them and others, that they may haul their vessels into dock to rot, while a non-importation act may continue to operate? Is this granting them protection? Whence is it that your revenue is derived, by which your national debt is lessened; by which your civil list is paid, your very Government supported? From commerce; and will you muzzle the ox that treadeth out your corn? What but commerce has raised this country to so enviable a height of prosperity? What but commerce, or taxes on commerce, has enabled you to build the navy you have; has empowered you to resist the encroachments and insults of foreign governments; or furnish the means to save our western brethren from the inroads of the savage? Of what benefit was it to the Northern States that millions of the public money were spent in support of a western army, and in defence of Mississippi navigation? This is not a question to be asked; for Government was, and is bound to protect every part, and the rights of every class of citizens. *E Pluribus Unum* is the motto of our Government. If disunion, geographical distinctions, and local interests are nourished, we shall become the dupes of our own sordid views and an easy prey to any foreign assailing foe.

We are the second commercial nation in the world, having upwards of a million tons of shipping. Is our navy any way proportionable? By our commerce and our numbers, compared with other

nations, should we in the same manner proportion our naval strength; on the basis of numbers, we are entitled to thirty ships-of-the-line and seventy frigates.

Some gentlemen are in favor of abandoning commerce to itself. Let commerce take care of itself, say they. If the merchant cannot pursue his occupation in safety and to advantage, let him quit it, retire from the seaports and take hold of the plough. As well might we tell our brethren of the West:—If the Indians harass you, and you cannot pursue your agricultural concerns, come here to our ports, and take to the smack and the fishing-line for support. No, sir, we are not to abandon our different occupations, but to be protected in them.

I hardly should think the request of our merchants unreasonable, if they should hold to you language of this sort: All your revenue is derived from us; give us a naval defence in proportion to the amount of our tonnage, and to the revenue you receive from us. Such a naval defence would very far exceed a hundred large armed vessels. But such is not the demand; their request amounts to but a small part of what can be afforded; a gradual increase of our navy, the expense of which will hardly be felt; which will in part be paid by the additional revenue arising from additional defence and security. Much revenue has been sacrificed for want of naval defence, and hereafter, in proportion to the increase of our commerce will be the increase of our losses, unless that commerce be fostered by a protecting navy.

Great Britain knows the nature of our Government, and its wishes to maintain peace; she expects we shall show our resentment, and seek our redress by the passing some species of non-intercourse act. Let us, sir, disappoint her; the disappointment will have a good effect.

Some gentlemen have supposed the present Executive of the United States unfriendly to commerce. The belief must be unfounded in correctness. No man can believe this after reading the President's report, made while he was Secretary of State. He is friendly to our commerce, and must be friendly to its protection.

There are many gentlemen, who, under the Administration preceding the present, were much opposed to the creation of a navy. They wish to preserve consistency, and hence continue their opposition. But, are not cases altered by circumstances? What might have been highly improper then, may be strictly proper and necessary now.

Gentlemen, and among others the honorable Speaker, have said that we are now about commencing a new system. Surely this is not a question about the creation of a navy. A navy we already have. It commenced under the former Administration; it has been continued by this. The question is, shall we or shall we not increase that navy to meet the exigency of our affairs?

It is said that a naval force tends to the provocation of insults and injuries; and unless it be immense, it must soon be destroyed. It is from nothing past that this argument can be drawn. Where was ever a nation possessed of naval force, whose navy was ever wholly destroyed? Look to all the minor Powers of Europe; I mean minor in naval importance. They may have been partially injured, or greatly crippled, but none of them have been destroyed; although so much nearer to points of collision than we are.

Sir, we are a nation increasing with rapidity in wealth, numbers, and general prosperity. It will indeed be strange, if we expect as we grow great to gain respectability by our pusillanimity. No, sir, the only, or certainly the most sure way, of gaining the respect of other nations, is by adopting the means that all nations adopt to become great; it is by our power that we are to be respected, and our rights and liberties maintained.

A navy equal to that of Great Britain is neither needed nor expected by our merchants, who are anxious for a navy as the only efficient defence against all nations. In future times, if wars cannot be avoided, (and a power to wage war is the best security for peace,) when we may be opposed to England, the other Powers of Europe will be with us; when acting with England against other Powers our force will be irresistible. I believe, sir, that if ever the enormous and gigantic power of the British Neptune is to be curtailed, it must be the work of Americans. Yes, sir, our naval commanders are destined hereafter to reap laurels for victories obtained over British ships. When an armed neutrality was formerly projected, had we then possessed a navy, we might probably have rendered much assistance in checking the naval power of England. They have become the tyrants of the ocean; they have a sway over the seas, far beyond what they ought to possess; it is necessary to lessen that power; and ought we not to yield our proportion of force for that purpose?

We talk much of favoring and protecting the rights of man. Has man no rights on the ocean? Have not our citizens rights on the water as well as on the land? We seem to have one right, and only one, on the water; it is, sir, the right to suffer and complain; we have abundance of this right.

Gentlemen may say that our debt will increase with our navy; and that we shall be unable to pay our national debt as soon as promised. The present Administration, or the present dominant party, if I may so call it, is pledged for the payment of the national debt within a limited time. Sir, I consider such pledge most impolitic. Surely, if we should be invaded, or, if any other great exigency should demand it, we should not hesitate to go millions in debt. This pledge, this promise, can be dispensed with then. And when more than now was there a call for dispensing with this impolitic engagement? When were our rights more insulted? England trampling on them; and Spain threatening to shut up our ports with half a dozen line-of-battle ships. I will ask, suppose Spain or Great Britain should attempt to block up the Chesapeake, or the port of New York, what could be done? Our frigates could do noth-

ing to resist the assault. No, sir, the whole of them would be incompetent to meet the foe. Nor must we always depend on the hostility of foreign nations towards each other, even for a partial defence of our commerce. If we have an efficient force, we shall be respected, our commercial rights will be maintainable, and our alliance courted by other nations. Let us then set our shoulders to the burden; and in the hour of difficulty, if necessary, look round for friends and allies.

An increase of the navy would also have a good domestic effect. Many of our merchants are opposed to the present Administration, erroneously viewing it as inimical to commerce; but, sir, the present Administration are friends to commercial rights; has not diminished the navy, nor has it ever been the opinion of the Executive that it ought to be diminished. His communication relative to seventy-four-gun ships all understand.

Some have said that the liberties of a people were liable to be overthrown by a navy. I cannot discover that it has the least tendency that way. Generals have overthrown the liberties of nations, but I certainly never read of an admiral that made himself a despot. I believe history affords no such examples.

If it should be contended that the creation of a navy would lead to the odious and tyrannical practice of impressing seamen, I would ask what is the important difference between impressing men to go on board your armed vessels and fight your battles, and draughting men, to go, perhaps, into the front ranks of the warmest engagement? In either case, you compel men to fight where they do not wish. But I do not think there is any danger of our being under the necessity of ever entering on the practice of impressing. If it were now necessary to man thirty line-of-battle ships, I have no doubt men enough would voluntarily come forward impatient for battle, and supply all our wants of this description. Our brave mariners have their feelings; they feel an indignation like that which the merchants feel, and like that which this House, I trust, also feels.

Sir, I must repeat that we are but one. I voted for the bill prohibiting intercourse with St. Domingo; I considered the bill as calculated to have a favorable effect on the Southern States. That bill may partially injure some persons at the Northward, concerned in trade with that island; but, in giving my vote, I was governed by the good of the whole. I hope, also, that gentlemen of agricultural habits in the Southern States will consider the subject of defensive measures with an enlarged and national view.

There is no nation in the world so enterprising as America; no nation has so rapidly increased in commerce, and in new resources of commercial enterprise, as has this nation within the last fifteen years. Our prosperity, I had almost said our all, depends on commerce. You must not, you cannot, compel the merchant to abandon his pursuits; it is contrary to his right, and contrary to your interest; contrary to contract; therefore you must protect his rights.

If we ask, what plan of defence is urged by the usage of all other nations? the answer is obvious.

I have, sir, doubts of the efficacy of a non-importation act. While aiming to starve the manufacturers of England, let us advert to our own sufferings. We may starve the butcher and the baker, but shall we not injure our own health. What gainers shall we thereby be? or how will our merchants be redressed by such measures; how will our farmers thus find markets? I might not object to restrictions on importations, so far as is consistent with the preservation of peace; but no further will I go till we are prepared for war. If we do this, we may expect that commercial men will patriotically submit; especially if they can look forward to the short time when the whole community will submit to the expense of supporting that which is the principal support of all.

We are becoming, sir, every day less the customers, and more the rivals of Great Britain. The means of defending our commerce must be eventually wholly naval. We need never fight Great Britain single-handed, but we want that kind of defence which is a protection not only against England, but against every other Power, and that kind of defence to which, after all our sufferings on the ocean, we shall be ultimately compelled to resort.

Some may object to naval coalitions, on the ground that such coalitions are generally fruitless and unsuccessful. But, sir, this has not always been the case. Did Britain always rule? No, sir; Spain and Holland have also had their day; and a De Ruyter and a Van Tromp have vanquished and triumphed as completely as have ever a Nelson or a Rodney.

I believe the best mode of protection will be line-of-battle ships and frigates; these will give greater security to our ports and harbors, than the erection of land batteries. I am not, however, opposed to gunboats; they may do much by way of defence in shallow waters, and may be useful anywhere, and are easily concentrated to a point. Much is expected from us by the nation; the only question can be, what manner of redress and defence shall be adopted; but, whatever may be the final decision on the important questions before us. I sincerely hope that a spirit of candor, liberality, and harmony, may actuate our proceedings, and lead us to a correct decision.

Mr. SLOAN.—I think the arguments of the gentleman who has just now taken his seat perfectly refutable by a single observation. I have not the spirit of prophecy, but I have the power of retrospection. Look at the Powers of Europe, whose naval forces are inferior to that of Great Britain; when did they ever gain a great victory over the English navy? Never. And judging from what is past, what will come, they never will conquer that enormous naval force.

Mr. EARLY.—The gentleman from Massachusetts fears we shall not divest ourselves of local feelings, in discussing and deciding on this subject. I apprehend he has no cause for this fear. This subject is one in which we are all nearly

equally interested. The Northern States have their Boston and New York; the Middle States their Philadelphia and Baltimore; the Southern States their Norfolk, Wilmington, Charleston, and Savannah; and the Western States New Orleans: this cannot be a local question.

By the report of the Secretary of War, it appears that $1,500,000 have been expended on the different fortifications; and that three ports only are in a state of defence; Boston, Philadelphia, and Baltimore. It also appears, by the report, $107,000 have been expended at Newport on fortifications, which are now greatly out of repair, and which, when repaired, can be of no service; there being *three* good channels by which vessels may enter the harbor, and these batteries being altogether unable to annoy an enemy's ship except in *one* channel.

We have expended $1,500,000 on fortifications, and not more than one-eighth part of that sum has had any good effect. I consider the sum of $150,000 as insufficient for any valuable purpose, nor do I believe that the annual appropriation of this sum for many years yet to come, would be of essential service in defending our ports at large.

I should be in favor of this mode of defence, if I thought it would be of utility. If I thought the port of New York alone could be defended by the appropriation of the whole sum mentioned in the resolution, I would cheerfully vote for it; I would cheerfully vote for double that sum; four-fifths of the produce of the State I have the honor in part to represent (Georgia) goes to that port; $340,000 have been expended on the fortifications of that port, and the works are of no utility—a picaroon might pass to the city without much molestation. According to the report of the Secretary of War, the harbor of New York cannot be defended on account of the width of the Narrows, or entrance into the port. Our ports are not susceptible of defence by land batteries. If they were, I should cheerfully vote for this, or much larger sums.

Mr. VARNUM spoke in favor of the resolution.

Mr. CLINTON moved that the Committee should rise, to allow further time for examining the subject.

Mr. ELMER opposed, and Mr. MACON supported this motion, which was carried.

Mr. DAWSON gave notice that he would again call up the subject on Thursday next.

MONDAY, March 3.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report and sundry statements, prepared in pursuance of the resolutions of the House of the third, fifth, and seventh ultimo, which were read, and ordered to be referred to the consideration of a Committee of the Whole House on the state of the Union.

The SPEAKER laid before the House a letter and report from the Postmaster General, on the petition of Henry Weist, referred to him by an order of the House, of the twenty-eighth ultimo, which were read, and ordered to lie on the table.

Mr. J. CLAY, from the committee appointed on the twenty-seventh ultimo, presented a bill authorizing the purchase of certain copies of the Journals of Congress, which was read twice, and committed to a Committee of the whole House to-morrow.

POTOMAC BRIDGE.

Mr. THOMPSON called for the order of the day on the bill authorizing the erection of a bridge over the Potomac.

Mr. G. W. CAMPBELLL moved to postpone the bill till Thursday. Motion lost—yeas 36, nays 43.

Mr. C. then moved to postpone it till to-morrow.

Mr. SMILIE, and Mr. G. W. CAMPBELL, supported, and Mr. THOMPSON and Mr. LEWIS opposed it.

Mr. GOLDSBOROUGH moved its postponement till Wednesday. On this last motion the House divided—yeas 44, nays 47.

On postponing the bill till to-morrow, the House divided—yeas 43. Lost; when the House resolved itself into a Committee of the Whole on the said bill.

The bill having been read over, was considered by sections.

Mr. D. R. WILLIAMS moved to amend that part of the bill which fixes the site of the bridge, by directing it to be erected at or above Georgetown. This motion was disagreed to—yeas 29; and various amendments were made in the details of the bill.

Mr. THOMPSON moved to fill the blank in the bill, relative to the time in which the bridge shall be built, with the words "five years." This motion, after a short debate, was agreed to—yeas 49, nays 47.

On fixing the maximum per centage hereafter to be received by the shareholders, debate arose. Motions to allow thirty and twenty-five per cent. were lost, when, without deciding on any other sum, a motion for the Committee to rise prevailed.

The Committee then rose and obtained leave to sit again, and the House adjourned.

TUESDAY, March 4.

A petition of sundry inhabitants of the county of Washington, in the District of Columbia, was presented to the House and read, praying, that that part of the county of Washington, now in the District of Columbia, which formerly made part of the county of Montgomery, in the State of Maryland, may be receded to the said State.

Ordered, That the said petition be referred to the Committee of the whole House, to whom was committed, on the twelfth ultimo, a motion to recede to the States of Maryland and Virginia the District of Columbia.

Mr. GREGG, from the Committee on the Public Lands, to whom was referred, on the twenty-ninth of January last, the petitions of the Mayor, Aldermen, and Assistants, of the city of Natchez; of the Board of Trustees of Jefferson College, in the Mississippi Territory; and of William Dunbar, of the said Territory, made a report thereon;

which was read, and referred to a Committee of the whole House on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of the Governor, Judges, and Secretary, of the Indiana Territory," with several amendments; and the bill, entitled "An act relating to bonds given by Marshals," with several amendments, to which they desire the concurrence of this House.

Mr. SLOAN, from the committee to whom was referred the bill imposing a tax on slaves imported into the United States, reported a new bill. A motion was made to reject it. Lost—yeas 24.

On making it the order for the 4th of July, moved by Mr. D. R. WILLIAMS, the House divided—yeas 34, lost. When the bill was made the order for Monday.

Mr. GREGG, said he had determined to move this day that the House should go into a Committee of the Whole on the state of the Union, with the view of taking into consideration the resolution which he had some time since offered. [On a non-importation of British goods.] At the request, however, of some gentlemen, and inasmuch as the day was already considerably advanced, he said he would not make this motion to-day, but he gave notice he should make it to-morrow.

NEW YORK SLATE COMPANY.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred the petition of the Dutchess County Slate Company, in the State of New York, made the following report:

The petitioners represent that, for four years past, they have been engaged in working and manufacturing slate, in the county of Dutchess, in the State of New York, and are proprietors of quarries containing an inexhaustible quantity, and of a quality superior to any heretofore discovered in this country. They have already advanced upwards of one hundred and twenty thousand dollars, as a capital stock, for carrying on the business, and employ a great number of workmen and laborers. The petitioners state that slate is now getting into general use, in most parts of the United States, and they seem to be of opinion that the interests of our citizens, and the credit of our country, require that we should no longer be under the necessity of importing it from Europe. With a view, therefore, of checking the importation of foreign slate, and as an encouragement to our own, they solicit that additional duties may be imposed on all slate imported from Europe. They recommend that a specific duty should be imposed, in preference to an ad valorem duty, on account of the exceedingly low price at which the slate is procured from the quarries in Wales.

The committee find the House decided on a similar application from the New York and Dutchess County Slate Company, at the last session of Congress. The report was unfavorable to the petitioners, and the House confirmed the decision of the committee, and refused to impose any additional duty upon imported state. It does not appear that any new arguments have been urged, in the present petition, to induce the committee to change their former opinion on the subject. The petitioners confess that the price of foreign slate is now reduced as low as that of American, but they complain that the importation of the former is continued. And can the petitioners reasonably expect that such extravagant high duties should be imposed on the importation of foreign slate as will amount to a prohibition of the article? The committee hope the petitioners have formed no such expectations. In the United States, no monopolies exist, and none ought ever to be permitted to exist. If a duty, amounting to a prohibition, is laid on foreign slate, the American slate will be enhanced in price, just so much as the difference may be between the old and new duty; indeed, it is fair to presume, the price would go beyond that difference; having the whole market themselves, it might be in the power of the manufacturers of slate, in this country, to augment the cost of that article to the purchaser beyond all reasonable bounds.

Imported slate is now charged with a duty of seventeen and a half per cent. ad valorem. In the opinion of the committee, no sufficient reason exists to recommend any addition to this duty. The interests of other persons than those who would be immediately benefitted by the augmentation of the price, are to be consulted in deciding on the merits of this question. The purchaser or consumer must ultimately pay the whole duty; he ought not to be prevented from buying foreign slate, if he prefers it to that of his own country. If the duty is raised considerably, the American manufacturer would have the entire command of the market, and would charge his own prices; competition would cease; the seller would be enriched, at the expense of the buyer, and having secured a monopoly to one class of manufacturers, others might expect similar favors. Such a policy cannot be approved in this country. However, notwithstanding the expression of these opinions, if the existing duty was not deemed to be sufficiently high to afford an advantage to the American slate, (the charges on the importation of foreign slate being at the same time considered as adding greatly to the price,) the committee would probably have been induced to propose some addition, though not to the extent prayed for by the petitioners.

If Congress intended to raise the duties, generally, on articles imported from foreign countries, either with a view to new revenue, or as a further encouragement to domestic manufactures, the committee have no reason to suppose that slate would be omitted. As the committee are convinced that the manufacturers of slate are sufficiently protected already, and being perfectly satisfied that the increased or prohibitory duty on foreign slate would only enhance the price of the article, to their exclusive benefit, but to the manifest injury of the consumer, the following resolution is respectfully submitted:

Resolved, That the Dutchess County Slate Company of New York be permitted to withdraw their petition.

The report was agreed to.

MERRIMACK. RIVER.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, reported on the petition of the merchants of Newburyport, representing the inconveniences experienced in navigating the Merrimack, and praying a reimbursement of the expenses incurred by them in the erection of two piers for facilitating the navigation of said river. The report states the erection of the piers to have been undertaken, and the expenditure of money to have been made, independent of the direction of the United States.

Mr. ELY thought there appeared on the face of the report strong reasons in favor of the prayer of the petitioners, and moved, for the purpose of considering the case, a reference of it to the Committee of the whole House.

Mr. CROWNINSHIELD was in favor of the same course, and observed that he had been in the committee in favor of the claim.

Mr. EARLY opposed this course, and supported the immediate concurrence of the House in the report, on the ground stated therein.

Mr. G. W. CAMPBELL advocated a reference of the report to a Committee of the whole House, and expressed his opinion in favor of the application.

Mr. JOHN C. SMITH spoke in favor of a reference to a Committee of the whole House.

Mr. BIDWELL spoke against such a reference, and in favor of the report.

Mr. SLOAN took the opposite side of the question.

On the question being taken, a reference to a Committee of the whole House obtained—yeas 59.

POTOMAC BRIDGE.

The House again resolved itself into a Committee of the Whole on the bill for the erection of a bridge across the Potomac.

The question was taken on limiting the maximum of future tolls to twenty-four per centum per annum, and carried—yeas 47, nays 43.

A motion was made to limit the corporation to fifty years, which after considerable debate was rejected—yeas 29.

A motion was then made for a transfer, after a certain number of years, of the bridge to the United States, on their indemnifying the company, which was likewise disagreed to—yeas 18.

A motion was made to limit the corporation to ninety-nine years, which was not agreed to.

Mr. G. W. CAMPBELL moved a new section, rendering the company liable to all claims of indemnity for injuries arising to private property from any obstruction of the navigation of the Potomac by the erection of the bridge. This motion was lost—yeas 12.

Mr. EARLY moved a new section, making it the duty of the company to keep the channel at the draw of the same depth as it now is, and, if suffered to become shoal, imposing on them a penalty of —— dollars for every week it shall be so suffered to continue. Motion lost—yeas 37, nays 54.

Mr. SLOAN moved an additional section that in case the bridge shall fall into decay or be broken down, the said company shall be bound to remove the said materials out of the channel of the river, so that the navigation may not be obstructed thereby. This motion was likewise disagreed to—yeas 25.

Mr. GOLDSBOROUGH moved an amendment, requiring one hundred thousand dollars to be subscribed previously to the company commencing their operations, which, after debate, was disagreed to—yeas 40, nays 56.

After the proposition of a great variety of other amendments, some of which were agreed to and others rejected, the Committee rose and reported their agreement to the bill.

WEDNESDAY, March 5.

The SPEAKER laid before the House a letter from the Secretary of the Navy, communicating the nature and extent of the services rendered to the captive crew of the late frigate Philadelphia, by the Danish Consul at Tripoli, in pursuance of a resolution of the House, of the fifth ultimo; which was read, and referred to Mr. CLARK, Mr. RICHARDS, and Mr. TALLMADGE.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the punishment of counterfeiting the current coin of the United States, and for other purposes;" to which they desire the concurrence of this House.

Mr. NICHOLSON, presented a petition from the members of the Board of Commissioners of the county of Washington, in the District of Columbia, representing that great inconveniences had arisen from that part of the act incorporating the City of Washington which exempts city property from taxation for county purposes, and representing sundry other circumstances which, in their opinion, require Legislative interposition.—Referred to a select committee of five members.

Mr. DAWSON presented a petition from a number of citizens of Washington county, District of Columbia, praying that the President may be authorized to permit an enclosure of the unoccupied public ground in the City of Washington, on the condition of its cultivation and improvement.—Referred to the committee appointed on the petition of the Board of Commissioners.

Mr. THOMPSON moved that the House should enter upon the consideration of the amendments made in the Committee of the Whole to the bill authorizing the erection of a bridge across the Potomac.

Mr. GREGG moved its postponement till Saturday next.

Mr. SMILIE supported, and Mr. THOMPSON opposed this motion, which prevailed—ayes 54, noes 45.

CHESAPEAKE AND DELAWARE CANAL.

Mr. GREGG, from the committee to whom was referred, on the twenty-eighth of January last, the petition of the President and Directors of the Chesapeake and Delaware Canal Company, made the following report:

That it appears a company has been incorporated by the respective States of Pennsylvania, Maryland, and Delaware, for the purpose of forming a navigable canal over the isthmus, which separates the bays of Chesapeake and Delaware: that in pursuance of the several acts of incorporation, passed by the said States, respectively, a large number of subscriptions were made by divers citizens of the United States, and a board of president and directors were duly elected for carrying the project into effect.

That the said president and directors, in pursuance of their appointment, have procured skilful engineers,

to explore and survey the ground across the aforesaid isthmus, and have fixed on a route or position for the canal, calculated, as they conceive, in every respect, to secure the great and important purpose of an uninterrupted navigation, and have made considerable progress in the work. They find, however, that to accomplish it, a greater portion of fortitude and perseverance, and more ample resources will be necessary, than the individuals who are embarked in it, can be supposed to possess. The importance of the undertaking and the immense national advantages which may ultimately result from it, they hope will be sufficient inducements, to prevail on Congress to grant them such assistance as will enable them to complete the business agreeably to their original plan.

The committee cannot hesitate a moment in deciding on the importance and extensive utility of connecting the waters of the Chesapeake and Delaware, by a navigable canal. To adopt a phrase familiarized by use, they consider the project as an opening wedge for an extensive inland navigation, which would at all times be of an immense advantage to the commercial, as well as to the agricultural and manufacturing part of the community. But in the event of a war, its advantages would be incalculable. The reasoning of the petitioners is conclusive on this point. If arguments are necessary, their petition furnishes an ample supply to prove, that no system of internal improvement which has yet been proposed in this country, holds out the prospect of such important national advantages, as naturally result from a successful termination of their undertaking.

Did the finances of the country admit of it, the committee would feel a perfect freedom in recommending to the House the propriety, in their opinion, of extending to the petitioners such aid as the difficulty and importance of their enterprise would be thought to justify. But it is a question, whether, at this moment, the state of the Treasury would admit of any pecuniary assistance being granted. The amount of the public debt, yet to be extinguished, the embarrassed state of our commerce, and the critical situation of the country in relation to foreign Governments, might perhaps be considered as insurmountable objections against applying any public money to internal improvements, at this particular time. Under an impression arising from these circumstances, the committee recommend the following resolution:

Resolved, That it would not be expedient, at this time, to grant any pecuniary assistance to the President and Directors of the Chesapeake and Delaware Canal Company.

The report was referred to a Committee of the Whole on Monday.

IMPORTATIONS FROM GREAT BRITAIN.

The House then, on the motion of Mr. GREGG, resolved itself into a Committee of the Whole on the state of the Union—ayes 72.

Mr. GREGG moved that the committee should take into consideration a resolution, offered by him, on the 29th of January, for a non-importation of British goods.

The Committee having agreed to take up the resolution, and it having been read from the Chair, in the following words:

"Whereas Great Britain impresses citizens of the United States, and compels them to serve on board her ships of war, and also seizes and condemns vessels belonging to citizens of the United States, and their cargoes, being the *bona fide* property of American citizens, not contraband of war, and not proceeding to places besieged or blockaded, under the pretext of their being engaged in time of war in a trade with her enemies, which was not allowed in time of peace;

"And whereas the Government of the United States has repeatedly remonstrated to the British Government against these injuries, and demanded satisfaction therefor, but without effect: Therefore,

"*Resolved*, That, until equitable and satisfactory arrangements on these points shall be made between the two Governments, it is expedient that, from and after the —— day of —— next, no goods, wares, or merchandise, of the growth, product or manufacture of Great Britain, or of any of the colonies or dependencies thereof, ought to be imported into the United States; provided, however, that whenever arrangements deemed satisfactory by the President of the United States shall take place, it shall be lawful for him by proclamation to fix a day on which the prohibition aforesaid shall cease"

Mr. J. CLAY inquired whether it would not be in order to call up a resolution offered by him on the same subject.

The CHAIRMAN said it was not in order, after the Committee had determined to consider the resolution just read.

Mr. GREGG then rose, and said: Mr. Chairman, I cannot but congratulate the Committee on our having at length taken up the business to which I believe the people of this country universally expected we would have turned our attention on the first moment of assembling in our Legislative capacity. Before we left our homes, we had learned, through the channel of newspapers, that outrages of a most atrocious kind had been committed on the persons and property of American citizens, by some of the belligerent nations of Europe. This intelligence has been officially confirmed by sundry communications which we have received from the President of the United States. From these sources we have derived the information that irruptions have been made into our territory, on its southern frontier, by subjects of Spain, and that depredations to a very considerable extent have been committed on our commerce by the cruisers of that nation. The manly spirit with which these irruptions were resisted by the officers of our Government appears, for the present, to have checked the further progress of that evil; and it seems that the system of depredation has been discontinued, in pursuance of instructions issued by the Minister of State and of Marine to the Director General of the Fleet. These orders were issued on the 3d day of September, 1805, and are understood to have been produced by the remonstrances of our Minister at that Court. From these favorable symptoms, a presumption naturally and necessarily arises that an amicable adjustment of the points in dispute between that Government and ours is not to be despaired of. Should we, however, be deceived in this calculation—should similar aggressions be repeated—we are not destitute of means to obtain redress; and on such an event taking place, I presume we would not hesitate in resorting to the complete exercise of these means.

I wish the prospect of an accommodation of our

differences with Great Britain were equally bright and flattering. But the systematic hostility of that Government towards our commerce, and its obstinate perseverance in the impressment of our seamen, notwithstanding the repeated remonstrances of our Ministers, leave no room to expect an accommodation until we resort to such measures as will make her feel our importance to her as the purchasers and consumers of her manufactures, and the great injury she will sustain through a total privation of our friendship.

This, it must be acknowledged, is a very important subject, and one which cannot fail to engage the earnest attention, not only of this Committee, but must also excite the anxious solicitude of every member of the community. On the course we may now take—on the measures we may now pursue—will in a great measure depend, in my view, the determination of the question whether we are to be a free and independent nation, or whether we are to surrender that boasted privilege, and tamely submit to such indignity and oppression as our forefathers, even in their state of colonization, would have resisted with indignation. In the discussion of a question of such magnitude, in the decision of which we are so materially interested, and on which the honor and true interest of our country so much depend, I trust we will divest ourselves of all party feelings, whether arising from our different pursuits in life, from geographical distinctions, or from political considerations, so that our decision may be the result of a sound judgment, uninfluenced either by improper partiality or prejudice.

From the hostile conduct of the nations to which I have alluded, and from the pointed manner in which the President has recommended preparations for defence, an idea appears to have gone forth that we are to be immediately engaged in war. This opinion has received additional currency from a report made by a select committee of the House, recommending an appropriation of money to a considerable amount, for the purpose of erecting fortifications for the defence of our ports and harbors, and for building gunboats and ships-of-the-line. Did my sentiments accord with this opinion, I should certainly give this report my countenance, so far as respects fortifications, which, from their situation, are thought to be capable of affording any substantial protection. Even as things are, I may perhaps be induced to vote in favor of the appropriation for gunboats, to relieve the anxiety of some of our fellow-citizens, whose alarms appear to be greatly excited; and because I believe, from all the information I have been able to collect from naval and military gentlemen, gunboats will afford the most effectual protection, in the event of our being compelled to have recourse to defensive measures, by any occurrences that may hereafter take place.

But here I must be permitted to declare that I have no apprehensions whatever of a war. The present situation of the nations of Europe furnishes no ground for entertaining such apprehensions. Their present engagements furnish ample employment for all their resources, both of men and money. The important contest which now occupies their attention is not likely to be brought to a speedy termination. Even if the minor Powers should withdraw from the confederacy, there is no prospect of a speedy peace between the two great rival nations. They will most probably soon return to the situation they respectively occupied at the commencement of the present campaign. The scene of Boulogne will probably be acted over again. The fleet of the one nation must be employed in guarding its coasts against an invasion by the army of the other. In this situation, neither will be disposed to add to the number of their enemies. Great Britain derives some advantage from that predatory war which she permits and authorizes to be carried on against our commerce and she also experiences some convenience in manning her navy, from the facility with which deficiencies are supplied by impressments of our seamen from on board our trading vessels. Interest and convenience will induce her to pursue this system, so long as we discover a disposition to yield implicit submission; but let a national spirit of disapprobation and resistance once discover itself; let us once tell her, in the proud language of independence, that we will no longer submit to this indignity and oppression, and we will find the practice relinquished, and our fellow-citizens liberated from that degrading bondage in which they are now held, and restored to their country and friends. Great Britain is too well versed in the business of calculation, and too well acquainted with her own interest, to persevere in this lawless system at the hazard of losing customers, whose annual purchases of her manufactures and other merchandise exceeds, I believe, thirty millions of dollars.

In searching for materials to substantiate the facts stated in the preamble to the resolution, it is only necessary to refer to the history of the conduct of the British Government towards us for a very short period. By turning a few pages of that history we will find that a large number of our fellow-citizens have been forcibly taken from their homes—for his ship is a seaman's home—have been put on board British ships of war and compelled to fight her battles against a Power between whom and her own Government there exists no difference. The general notoriety of this truth precludes the necessity of a reference to any particular document to prove the correctness of the statement. Was such a reference necessary, I might point to a report from the Department of State, made at the last session of Congress. In that report we find that, at that time, fifteen hundred and thirty-eight persons, claiming to be American citizens, had been able to extend their application for relief to their own Government; and though Great Britain claimed some of these as her subjects, agreeably to her doctrine of *non-expatriation*, the great mass was acknowledged to be Americans, for whose detention no other cause could be assigned but because she stood in need of their service. And is it not a fair presumption that this number was but a small proportion of those who were actually impressed? Changed

from ship to ship, and the vessels in which they are frequently changing their station, and guarded with the most scrupulous attention, it is almost impossible for them to find any opportunity of applying to their own Government or any of its officers for relief.

This open, this flagrant violation of our rights as men, and as citizens of an independent nation, certainly demands the interposition of Government. To what cause are we to ascribe the neglect with which these unfortunate men have been treated? A few years ago, when some of our people had the misfortune to be made prisoners by the Algerines, and at a later period, when some others fell into the hands of the Tripolitans, the feelings of the Government and of the whole country were alive. All voices united in requiring the energy of the Government to be exerted, and its purse to be opened, so that no means to obtain the liberty of the captives might be left untried. Success has crowned these endeavors, and those who were unfortunately slaves are now enjoying their freedom. In what respect, I would ask, does the situation of those who have been impressed from on board their own vessels, and who are forcibly detained on board British ships of war, differ from that of the Algerine and Tripolitan prisoners? So far as respects the Government, the infringements of its rights are greater in the former than in the latter case. The situation of the individual is no better. A wound inflicted by a British cat-of-nine-tails is not less severely felt than if it had proceeded from the lash of an Algerine. The patient submission with which we have so long endured this flagrant outrage on the feelings of humanity and on the honor of our country, must have excited the astonishment of the whole world; but it must also have impressed them very forcibly with an idea of the moderation of our Government, and of its strong predilection for peace. I trust, however, we will now show them that there is a point beyond which we will not suffer; that even although we may not think it advisable to make reprisals, we will at least withdraw our friendly intercourse from that Government, whose whole system of conduct towards us has been that of distress and degradation; and that, as the business is now taken up, it will be pursued with zeal and ardor, until relief is extended to this unhappy class of sufferers, and security obtained against similar aggressions on their persons in future, by such arrangements as ought to be deemed satisfactory.

In relation to the capture and condemnation of our vessels, contrary to what we consider, and to what I verily believe to be the law of nations, I shall not detain the Committee with many observations. I have no intention of entering into a discussion of the abstract question, whether a trade is justifiable in war which is not open in time of peace. I will only observe, that on the principles of reason and justice, and from such authors as I have had an opportunity of consulting, the right for which we contend does appear to me to be clearly established. In some late publications, this question has received a very luminous and ample discussion, and the right insisted on by us has been placed on such ground, and supported by reasoning so clear, so cogent, and so conclusive, that Great Britain, with all her boasted talents, will find it extremely difficult to find answers for them.

But even admitting the British doctrine to be correct, what, I would ask, has been the conduct of that Government under it? Has it been that of a nation actuated by motives of liberality and friendship? Has it been that of a civilized and polished nation? Has it been such as justice and the fair and honorable conduct of our Government has given us a right to expect? No person, I think, is prepared to answer in the affirmative. It does not appear that the principle was practised on during the last, nor for some time after the commencement of the present war. I will not undertake absolutely to say that they relinquished it, but the trade which it now prohibits was permitted to be carried on to a great extent without any interruption from their cruisers. Numbers, allured by the prospect of gain, were induced to engage in the profitable business, and supposing themselves safe under the protection of law, had their vessels and effects seized to a large amount. The capture and condemnation of their property was to them the first promulgation of the law. Ignorance of what it was impossible for them to know, was imputed to them as a crime, and an honorable dependence on the justice of a Government professing to be friendly, was prosecuted with penalty and forfeiture.

But even independent of our just cause of complaint arising from this principle, apparently new, thus unjustly brought into operation, how has that Government conducted in relation to captures, in which, after the most minute investigation, all the ingenuity of her courts have not been able to discover any principle to warrant the condemnation? The perplexing difficulties, the vexatious delays, and the enormous expense attending the prosecution of a claim through every stage of its progress, place an almost insurmountable barrier in the way of obtaining justice. In fact, all her commercial maxims, and the whole system of her conduct, discover a manifest intention, a fixed determination, to consummate the ruin of the commerce of this country.

I am aware, Mr. Chairman, that many of the captures and condemnations, of which we have heard such loud complaints, are strictly warranted by the law of nations. An immoderate desire of gain very frequently leads the merchants to engage in a trade which the universal consent of all nations has declared to be unlawful. This observation will, however, perhaps apply with more propriety to foreigners, who have fixed their residence among us, to enjoy the advantage of trading under our neutral rights, than to the real American merchant. This description of men, under no influence of patriotism, and too generally unrestrained by any principles of justice, pursue their object, wholly regardless of the interest of the country, or of any injurious consequences to which it might be subjected through

their misconduct. I have no idea of involving my country in any difficulty on account of these people or their trade. As they are citizens of the world, equally attached to every country, I would always willingly surrender them, to be punished according to the laws of whatever country they might be found transgressing. But in withholding protection from these lawless adventurers, let us not withdraw it from the real American merchant. Acting from motives of patriotism as well as of gain, he combines his own interest with that of his country. While he is accumulating wealth to himself, he is adding to the revenue and riches of his country; and while he is searching a market for the productions of the farmers, he is discovering something that may contribute to their convenience and comfort. He is a necessary link in the chain of our society. There is a mutual dependence betwixt him and the farmer. The interest of the one is promoted by the success of the other. This being the case, these two classes should be extremely cautious how they suffer that kind of jealousy to grow up betwixt them, that might eventually prove a source of distress and calamity to them both.

I hope it will not be inferred from anything I have said, that I am going to be an advocate for the protection, even of American merchants, in that wild, extravagant carrying trade, to which some of them appear to extend their views. I shall never agree to risk the peace and safety of the nation in such a cause. Even in doubtful cases, or where the law was not perfectly clear, if they would embark their property, let it be at their own hazard. But in carrying on the direct trade of our country, and even in the carrying trade, while they confine themselves within the acknowledged law of nations, I think they are entitled to protection.

And, sir, in affording this protection, I take it that we are promoting the real interest of the country. By cherishing navigation, to a certain extent, we secure to ourselves, at all times, the means of procuring a market for such articles as we have for sale; we furnish means for promoting industry, and we make provision for the maintenance of men, on whose bravery and exertions, in the event of war, we must always rely very much for our defence. On this subject, I cannot express my sentiments better than I find them expressed in a report made by the present Chief Magistrate, while Secretary of State, and which I consider as declaratory of the true interests of the nation. I shall therefore take the liberty of reading a paragraph of that report.

"It [that is, navigation, as a branch of industry] is valuable, but, as a source of defence, is essential. Its value as a branch of industry is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war—that is to say, when those nations who may be our principal carriers shall be at war with each other—if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war-freight and insurance, and the articles which will not bear that, must perish on our hands,

"But it is as a resource for defence, that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their landboard, and nothing to desire beyond their present rights. But on their seaboard they are open to injury, and they have there, too, a commerce that must be protected. This can only be done by possessing a respectable body of citizen seamen, and of artists and establishments in readiness for ship-building."

From this very brief view of the conduct of the British Government towards us, and I have confined it merely to the points stated in the preamble to the resolution; every candid, every unprejudiced person, I think, must acknowledge, that we are arrived at a crisis; that we have reached a period at which the honor, the interest, and the public sentiment of the country, so far as it has been expressed, call loudly on us to make a stand. The evil we have already suffered is great, and it is progressing. Like a cancerous complaint, it is penetrating still deeper towards our vitals. While we yield year after year, Great Britain advances step by step; yet a little longer and our commerce will be annihilated, and our independence subverted.

Here the great difficulty presents itself. What are the proper steps to be taken? what measures that we can adopt will be most likely to effect the object we have in view, and in its operation produce the smallest inconvenience to ourselves? I, sir, have reflected much on this subject. I have considered, so far as I was capable, the bearing which every measure which I have heard proposed would have on it. The result of my reflections is, that, under all the circumstances of the case, the resolution, which is now the subject of immediate discussion, ought to be adopted. What is the resolution? what does it say? It addresses Great Britain in this mild and moderate, though manly and firm language: You have insulted the dignity of our country by impressing our seamen, and compelling them to fight your battles against a Power with whom we are at peace. You have plundered us of much property by that predatory war which you authorize to be carried on against our commerce. To these injuries, insults, and oppression, we will submit no longer. We do not, however, wish to destroy that friendly intercourse that ought to subsist between nations, connected by the ties of common interest, to which several considerations seem to give peculiar strength. The citizens of our country and the subjects of yours, from the long habit of supplying their mutual wants, no doubt feel a wish to preserve their intercourse without interruption. To prevent such interruption, and secure against future aggressions, we are now desirous of entering into such arrangements as ought to be deemed satisfactory by both parties. But if you persist in your hostile measures, if you absolutely refuse acceding to any propositions of compromise, we must slacken those bonds of friendship by which we have been connected, you must not expect

hereafter to find us in your market, purchasing your manufactures to so large an amount. What will the people of this country say of this proposition? Will they not be ready to exclaim, that it is too mild for the present state of things? What will be the opinion of foreign Governments respecting it? Will they not say that we have extended the principle of moderation too far? What must be its impression on Great Britain herself? Sir, if she is not lost to every sense of national justice, she must acknowledge its equity and fairness. But I would inquire particularly what would be its operation on the people of that country? If carried into effect, I believe it will strike dismay throughout the Empire. Its operation will be felt by every description of people, but more especially by the commercial and manufacturing part of the community. The influence of these too classes is well known in that country. They are the main pillars of its support. They are the sources of its wealth. Their representations, therefore, are always attended to. And what language must they speak on this occasion? It must be evident that a regard to their own interest will lead them to remonstrate loudly against that system, which will produce an annual defalcation in the sale of their manufactures, of thirty millions of dollars. This is their vulnerable part. By attacking them in their warehouses and workshops we can reach their vitals, and thus raise a set of advocates in our favor, whose remonstrance may produce an abandonment of those unjust principles and practices, which have produced the solemn crisis.

But, Mr. Chairman, should Great Britain, contrary to our wishes, and certainly contrary to her own true interest, persist in her ill-starred policy, what must be the effect of such conduct on herself? and how will we be ultimately affected by it? Shut out from British markets, our merchants will obtain a particular supply from other countries, and we will resort to domestic manufactures to make up the deficiency. Should this system be adopted, Britain may find it difficult to recover our custom. It is certainly a subject of serious regret that, owing to the large importation and extensive consumption of British goods, domestic manufactures have nearly vanished. I do not expect to see the establishment of large manufactories in this country. The extensive vacant territory we possess furnishes such powerful inducements for settling on land, that few are to be found willing to be confined within the narrow limits of a manufactory. Should, however, such establishments be set on foot, I have no doubt they would receive a large accession of workmen from the numbers which a non-importation act would compel to leave their present homes, in search of employment in this and other countries. But my present view does not extend to these establishments on so large a scale. I want to see every family a little manufactory, vieing with each other in the excellency of their workmanship, and exhibiting, in their dresses, specimens of their ingenuity and industry.

Mr. Chairman, when I first submitted this proposition to the consideration of this House, I was so forcibly impressed with the propriety of adopting it, that I had no expectation it would meet with any opposition. It was not until a resolution was laid on the table, calling on the Secretary of the Treasury for a statement of our exports and imports to and from Great Britain and her dependencies, that I had any suspicion it would be opposed. When that call was made, I began to presume an opposition was intended, and that the opposition would be grounded on the supposed effect which the adoption of the measure now under discussion would have on the revenue. This was brought particularly into view some days after in the form of a preface to a resolution on this same subject offered by a gentleman from Maryland.

We were told, then, that our imports from Great Britain and her dependencies, amounted annually to $25,000,000, and that, at the average rate of duty of twenty per cent. the revenue would, of course, be affected to the amount of $5,000,000. That the revenue will be partially affected by the proposed measure is readily admitted; and if it should be affected to such an extent, as to retard the extinguishment of the national debt a single day beyond the time fixed by law for its final redemption, I would certainly regret it very sincerely. No person in this country can wish more anxiously to see that debt paid than myself. But, sir, do not believe the effect on the revenue will be by any means so great as has been stated. The average duty on imports from Britain does not, I believe, amount to 20 per cent., and therefore the defalcation in the revenue will not be so great as has been stated, even admitting that we do not import from other countries. But is it to be supposed that the enterprise and industry of the merchants are to be wholly paralyzed by this measure? Will they lay up their vessels in their docks, and shut up their money in their chests? No, sir; when they find themselves excluded by law from British markets, they will resort to other countries, and no doubt they will find goods to answer our purpose quite as well as many of the gewgaws we get from England, and quite as many as we will be able to find money to purchase.

It has been said, also, that the price of our exports is to be greatly affected by this measure. The article of cotton has been particularly mentioned. Why, sir, the resolution does not say a word about exports. It is entirely silent as to them. They are left at liberty to go to those markets where they have heretofore found purchasers, or to search for new ones, as it may suit their convenience. The adoption of the measure may produce a momentary diminution of price, and this inconvenience will be promoted by the representations of designing speculators, who are continually roaming through the country to take advantage of the ignorant and unwary. But, when the first impression is removed, our productions being either necessaries of life, or materials for manufactures, will be in demand, and sought for, and purchased, at a price correspondent to that demand. But,

sir, even admitting that we were to sustain a temporary inconvenience from a small reduction in the price of the produce of our farms, are we to put a few cents difference in the price of a pound of cotton, or tobacco, or a barrel of flour, or a quintal of fish, in competition with the honor and general interest of our country? Is there a member of this House, is there a man in the community, that would submit to see his neighbor dragged into ignoble bondage, merely because it would produce a slight shock in the market for his produce? Such an idea would, I believe, be universally spurned at.

But, Mr. Chairman, the strongest objection I have heard mentioned is, that if we do pass a non-importation act, it cannot be executed, and either we shall be laughed at by Great Britain, or it will afford a pretext to her Minister, whose decision is well known, to let loose his cruisers and sweep the ocean. This is the language used in Britain. Their writers acknowledge that a non-importation act would be to them a serious calamity, but comfort themselves with the reflection that it could not be executed. Now, I ask, what reason can be assign d why it could not be as well executed now as it was in former times? Are we so abject, so degenerate, as to submit to such national indignity rather than forego the pleasure resulting from an indulgence in British luxuries? But it may give offence to the British Minister, who will sweep the ocean with his cruisers. This, to be sure, is a sweeping objection, but how will it apply? What right has the British Minister to take offence at any regulations we may see proper to adopt? We have a moral, and we have a Constitutional right to manage our own commercial concerns in our own way, provided we do not infringe or violate the rights of other nations. This sacred trust has been committed to us by the people of this country, and I hope we will never feel disposed to resign it to any foreign Minister.

But admitting that great man with all his decision, should let loose his cruisers, what will he gain? Is he not more at our mercy than we are at his? If he attempts to make a general sweep, self-defence will justify reprisals. The debts owing to British subjects, the immense property owned by them in this country, will, of course, be laid hold of. I will perhaps be told here, that, by the treaty of 1794, sequestration of debts is prohibited. True; but if one of the contracting parties violates the contract, the other is released from his obligation. If Britain violates nine articles of the treaty, she cannot consider us bound by the tenth. Besides, her provinces are quite contiguous and open to us, and by securing them we would make ourselves masters of the fur trade, from which she derives such important advantages. Even on the ocean, I doubt whether she would be a gainer in the contest. And this is not mere theory. During the last war our privateers captured more of their vessels than they took of ou s with all their navy. Our shipping then was not more than a fourth of what we n w possess, and the number of seamen about in the same proportion. And it is worthy of remark that, owing to the difference in the value of their cargoes and ours, the one consisting entirely of bulky articles, necessaries of life, and raw materials for manufactures, and the other made up of these materials after they have received the last touch of art and industry; if we succeeded in taking one for their three, the balance perhaps would be about equal.

The resolution has also been called a war measure. Now, I would ask, what is there warlike about it? Sir, I before have said, and I repeat it, that I deprecate war. With me it will always be a last resort. Recourse should be had to every peaceable means to obtain justice, before an appeal is made to arms. The resolution I consider purely as a measure of that kind, and so it must appear to the British Minister, unless he is determined on war, and then he will find some pretext. It is common for persons going to war to publish a declaration, stating their reasons in justification of their conduct to other nations. Let the British Minister take the resolution and publish it at length, and will any other nation consider it as a sufficient ground for war? It merely states that we consider ourselves injured, and that, in justice to ourselves, we must suspend our intercourse until we obtain redress. The British Minister will never put his reputation and character at hazard on such a foundation.

Mr. Chairman, in every point of view in which I have been able to consider this subject, the propriety of adopting the resolution which has been read, appears to me equally impressive; and, therefore, although it may be opposed, I cannot but hope it will receive the sanction of a large majority of the House. In this hope I am confirmed when I refer to the Journals and see what was done by the House of Representatives, under circumstances somewhat similar to the present, in the year 1794. The same nation, of whose conduct we now complain, was then committing depredations on our commerce. She had, on the 6th of November, issued her celebrated orders; and, it is worthy of remark, that these orders were first published by the cruisers which were acting under them. The late captures, unauthorized by any public orders, but proceeding on a decree of their admiralty court, which it appears was to be considered as the signal for making the sweep, evince a fixed system of hostility towards our commerce, and an ungenerous mode of making its attacks. The unwary and unsuspecting fall a prey to their hidden designs. She was at that time also stimulating the Indians to commit hostilities on our frontiers, and the western posts were not surrendered agreeably to what we considered the true intent and meaning of the Treaty of 1783. To counteract these hostile measures, a proposition was made in the House of Representatives for suspending all commercial intercourse with that nation. That proposition was at that time adopted by a very large majority. All parties united in giving it their support. The great political distinction, which has unfortunately prevailed too long in this country, did not, on that occasion,

discover itself a great deal. The representation from the State in which I live, was at that time about equally divided between the two great contending parties, and yet, on that question, their votes were completely blended. The representation from the Southern States, I observe, was generally in favor of that measure. The respectable State of Virginia, in particular, which was represented by a constellation of talents, not only ranged itself on the affirmative side of the question by its vote, but also bore a very distinguished part in the argument in support of the measure. From a similarity of circumstances, are we not now to expect a similar result? Although the evil complained of is, in the first instance, more severely felt in a particular section of the country, its effects will ultimately extend to every part of it. And, so far as the honor of the Government is implicated, a sensibility arising from that source must necessarily be experienced by all its citizens at the same time.

Before I sit down, Mr. Chairman, permit me to say that, although my opinion on this subject is formed on the most mature reflection, yet, if a majority of the Committee think differently, if they prefer something more energetic, or if they have any other system which they consider more efficient to obtain the object, I may, for the sake of unanimity, be disposed to yield my opinion. Unanimity I consider as all-important. We are told, by a document on our table, that the nation, against whose conduct we complain, calculates on our divisions. Her hopes of being able to pursue her system, are built on an idea, that division among ourselves will prevent our adopting any efficient measures. In this hope, I trust, they will now be disappointed, and that we shall show to them and to the world, that however we may differ as to the administration of our internal affairs, on all great national questions, in which the honor and true interest of our country, in relation to foreign governments, is involved, that we are but one people.

Mr. J. CLAY.—I had entertained a hope that the call of my colleague would have been delayed for a few days longer, as the documents we have received from the Treasury Department have been but two days on our table, at least in a printed form, and as they are calculated to throw much light on the subject before us. In the few remarks which I am about to offer, I shall not follow my colleague through the detail he has made of the injuries and insults of Great Britain. We all of us well know that the national flag has been grossly outraged, and the national honor violated by her. But I do not conceive that the best mode of obtaining redress for these wrongs is to do that which will be more injurious to ourselves than to her. My objections to this resolution are twofold. The first is, that, if carried into effect, it places greater means of injuring us in the hands of our enemy than she already possesses; and the second, that we shall not be able to maintain the course it points out for any length of time.

By the resolution before us we are prohibited from importing from Great Britain any articles, however necessary or convenient they may be; while, at the same time, we are permitted to carry any articles to her market. The effect will be, that while our productions are accumulating in the hands of the British manufacturers and merchants, they will have no means of paying for them; and of consequence debts to a very large amount will become due from British merchants to American citizens. Even at the present day, I have great doubts whether there are not greater sums due by the merchants of Great Britain to the citizens of the United States than there are recoverable debts due by American citizens to them. If so, what will become of the second expedient proposed to be resorted to by my colleague, that of sequestration? The balance of injury, instead of being in our favor, will be against us. If my colleague had looked over the report of the Secretary of the Treasury, and had attended to the amount of American property afloat, he would have seen that there is not less than one hundred millions of dollars worth of American property at the mercy of the cruisers of Britain. I believe that the naked vessels, independent of the products they carry, amount in value to more than thirty millions of dollars. It will be seen that the commerce of the United States in exports and imports amount to one hundred and fifty millions, of which it is fair to calculate that one-third is constantly exposed on the ocean. Of this amount about forty millions is carried on between the United States and the Power with whom it is proposed to cut off intercourse. With this fact staring us in the face, would it be politic to expose so much property to the retaliation of the British Ministry? When the gentleman spoke of the amount of British depredations, he ought to have stated the amount of those recently committed. I believe I am not very wrong in stating the whole amount of American property detained by British cruisers as not exceeding six millions of dollars. On balancing, therefore their interests, ought the United States to resort to measures of hostility; to measures which, in the opinion of every man, will justify retaliation?

Besides, I would wish my colleague to show us how we are to be supplied with articles heretofore derived from Great Britain. All articles of iron manufacture, hardware, of cotton and coarse woollens, we are obliged to import from that island. From her East India dominions we likewise import a great variety of useful articles; while from her West India islands we import a great portion of one article, spirits which pays one-sixth of our whole amount of duties, the amount which we get from her colonies will be found to be two and a half millions of dollars. From the same document it appears that the whole of this article imported from the British dominions is consumed in the United States. But it is said that we may find a substitute for it. I acknowledge it. We may find this substitute in the products of our domestic distilleries, which pay no duties. Are we prepared to sacrifice so

large a part of our revenue as is derived from the importation? For it will be observed that other kinds of spirits are in a great measure exported from the United States, while all that we import from British settlements is consumed in this country. If the importation of British manufactures is prohibited, I do not know whence we are to be furnished with the articles we stand in need of. It is true that France has some rising manufactures, and she takes off about a fourth part of the cotton exported from the United States. But are we, by this measure, to cut off the market of the agriculturist for this article to the extent of ninety thousand bales at present annually exported to Great Britain?

But the great and material injury to the United States will be from the destruction of revenue occasioned by this measure. The present revenue may be estimated at $12,000,000, of which the sum of $5,400 000 is paid on importations from Great Britain and her dependencies. We have an annual appropriation of $8,000,000 for the payment of the principal and interest of the public debt. We have been engaged in extinguishing this debt for near twenty years, and have so far succeeded.

It is a probable calculation that if we remain at peace, and do not cut off the right hand of our revenue, the debt will be extinguished by the year 1816. To me this is an object as desirable as it can be to my colleague. I do not, therefore, wish to deprive the Government of this large share of revenue derived from duties on merchandise imported from Great Britain.

As to the effects of this measure on Great Britain, I might acknowledge, if it could be permanent that it might raise a clamor among her merchants and manufacturers, which might induce the Minister of that nation to relax in the course now pursued. But I will appeal to any gentleman conversant with the state of the country from the year 1792 to this time, to say whether there is any probability of our being able to endure a non-importation of British goods for any length of time; for more than about six or eight months. We have neither stock enough on hand, nor manufactures or manufacturers of our own to enable us to do so. It is true that our manufactures are advancing surely, though slowly, and I may state in corroboration of this fact, what may not generally be known, that in the city of Philadelphia, manufactures are now carried on to a greater extent than they were forty years ago in the town of Birmingham. But can we, from this source, or from foreign markets, supply the great demand of our citizens? No. There are some articles which we may obtain elsewhere. Let us then prohibit the importation of these from Britain. Let us carry such a system as this into effect. One which, as it will do us little injury, is likely to be permanent, and will therefore have a permanent influence on Great Britain.

My colleague has alluded to the measures taken in the year 1793. But he will recollect that the orders issued by the British Government at that period went much further than the principle now set up. Besides, in 1793, the spirit of this country was very different from that which now prevails. The Revolution of France had, at that time, rekindled the enthusiasm of our own Revolution, and I believe I shall not be incorrect in saying that a majority of our citizens were in favor of drawing the sword in favor of France. I ask, if that is the case now? If a majority of the people of America are ready to take part with the Emperor Napoleon? And, notwithstanding the measures then taken, in 1794 we concluded a treaty which sacrificed everything we had contended for, and for which I believe my colleague voted, at least for appropriations to carry it into operation. If this was the issue of violent measures, I am not now for taking them. I am not for taking measures which my colleague says will strike at the vitals of Great Britain, but which, he says at the same time, will not be a cause of war. I am, on the contrary, in favor of such measures as we are able to carry into effect, and which may be adopted without permanent injury to ourselves.

Mr. CROWNINSHIELD.—The gentleman from Pennsylvania, who has last spoken, regrets that this subject has been taken up so soon, but I regret it has not been taken up an earlier period. Although, after I found certain information called for, I moved for other documents, calculated to shed further light on the subject, yet I then said, and I am still convinced that this information could not influence my decision on the subject under consideration. The documents called for are, however, now before us, and it appears that the balance of trade between the United States and Great Britain is from eleven to twelve millions against us. This difference we are obliged to make up by remittances in cash or bills from other countries; when, if we did not purchase of her more than we sell to her, we should not owe this annual balance, and the amount would surely be returned to the United States, very probably in cash, as a balance in our favor from other European nations. The trade, therefore, with Great Britain, so far as relates to the balance, is disadvantageous to us. The gentleman from Pennsylvania (Mr. CLAY) thinks that this resolution will materially injure us, while it will inflict little injury on Great Britain. But there can be no doubt the measure it contemplates will injure Great Britain vastly more than it will injure us. Great Britain has, without any cause whatever, condemned our vessels engaged in the carriage of colonial productions, the *bona fide* property of American citizens. The gentleman has acknowledged that these captures may amount to six millions of dollars. I do not know the amount, but if the adjudications continue, I believe it will soon exceed that sum. But if the amount did not exceed one million, we are bound in duty to protect our merchants. The gentleman, in his remarks, goes on the calculation that Great Britain will go to war with us if we adopt this resolution. But I have no such idea. If, however, I held that opinion, I should not on that account withhold my approbation from it. Because I believe if a war should

take place, the United States will have a great advantage over Great Britain. We should be able, in that event, to fit out a great number of privateers, and we should make two captures to their one. If a war should take place, which I do not hesitate to say I should greatly deprecate, we should take twice as much of their property as they would take of ours. But we are not, by the adoption of this resolution, about to enter into war with Great Britain. No such thing is in the contemplation of any gentleman. We are merely about to prohibit the importation of British goods in consequence of her having seized our vessels engaged in carrying on a lawful commerce, and in consequence of her seizure of American citizens protected by the American flag.

With regard to the measure contemplated by the resolution, I hope that Great Britain will not permit it to go into operation; that she will, on the contrary, on mature reflection, give us back the property she has wrongfully taken from us and liberate our seamen from the captivity in which she detains them.

With regard to the observation of the gentleman, relative to our inability to supply ourselves with the goods we get from her settlements in the East Indies, I think it proper to observe that they may be obtained from other colonies in that quarter; and as to spirits, there can be no doubt of our getting a sufficient quantity of spirits, notwithstanding the adoption of this resolution. But suppose we could not obtain a sufficient quantity of rum, or manufactured articles for our ordinary supply, and the revenue should be thereby affected for a time. We ought not to be governed by this consideration. But I believe the industry and enterprise of our merchants would soon obtain from other markets, a sufficient supply of every article, woollen goods, perhaps, excepted.

In November, 1793, Great Britain adopted a similar principle with regard to the colonial trade, except that the orders issued at that time went further than the present principle. In consequence of these orders four or five hundred of our vessels were seized. Every one knows the conduct of the American Government at that time. A treaty was finally made in which Great Britain promised to pay for the aggressions committed by her vessels on neutral rights. But nearly ten years elapsed before our merchants received compensation for their losses. This principle slept till 1801. Great Britain did not find it convenient to call it again into existence before that time. It then appears by a correspondence between Mr. King, then our Minister at the Court of Great Britain, and Lord Hawkesbury, that she attempted to renew it at this time. Mr. King, however, remonstrated; and he finally received a note from Lord Hawkesbury, who had referred the subject to the Attorney General of Great Britain, admitting that the seizure, under this principle, was not warrantable. The opinion is this: that the neutral has a right to carry on a commerce with the enemies' colonies. That the continuity of the voyage is broken when the return cargo is landed in the neutral country, and has paid duties there, and that the goods can afterwards be safely transported to any belligerent country in Europe, in the same bottom on which they were originally imported, or on any other neutral bottom whatever. This appears to have settled the question, and numerous decisions in England both before and since that time have confirmed the principle as a correct one. But notwithstanding all this, to our astonishment, the same adjudications have been renewed, and the same principle, considered as abandoned last war, is now revived. In the early part of the last summer we find it once more brought into existence, and the following case was made use of, as a fit pretext, to warrant the new captures which were intended should be made under this extraordinary decision of the court of appeals: In the latter part of the late war which was terminated by the treaty of Amiens, an American vessel was carried into the Island of New Providence, and adjudicated. An appeal was carried to Great Britain, where the condemnation was affirmed on the ground that she was carrying on a trade during war which was not allowed in time of peace. Under this decision the cruisers of Great Britain have seized a great number of other vessels. I know this case particularly. The vessel I have referred to, was the Essex, Captain Orne. There was a direct importation of her cargo into Salem, in Massachusetts; after remaining stored three or four weeks, the duties having been paid, it was shipped for the Havana. On her passage to Havana, she was seized, and adjudicated in New Providence. There was an appeal, and after remaining nearly four years undecided, the judgment is at last confirmed in England, and the capture of American vessels commences. Can we put up with such decisions? Can we agree to them? If this principle be allowed, I desire to know whether the whole carrying trade of the United States will not eventually be sacrificed? By the carrying trade, I mean the direct trade to and from the colonies, as well as to Europe. If we acquiesce in their capturing a part, Great Britain will extend her captures still further, and make a sweep of our whole trade. For my part, I am not willing to make this sacrifice; if it were no more than a million I could not agree to it.

As to the impressment of our seamen, that too is a subject of most serious complaint. We have called for a document on this point, which unfortunately is not yet on our tables. It is so extensive, and the information drawn from such various sources, that the Secretary of State has not yet been able to present it. We have, however, understood, that the number of our impressed seamen amounts to above 3,000. During the last war Great Britain impressed upwards of 2,000 of our seamen, of which she restored 1,200, proved to be American, and 800 remained in her possession at the peace. In the short period of two years she has impressed 3,000 seamen. I believe that we are bound, by all peaceable means, to obtain the liberation of these men. Lately, one of our frigates was shipwrecked off Tripoli, and 300 men taken captives. We immediately passed a

new appropriation bill, and sent out several additional frigates. The affair has terminated honorably to our country, and our seamen are released. Will we not now do as much for 3,000 seamen, as we then did for 300, which are but a tenth part? After the course we are now taking, should Britain persist in her captures and in her oppressive treatment of our seamen, and refuse to give them up, I would not hesitate to meet her in war. But, as I observed before, I do not believe Great Britain will go to war. Our trade is too valuable to her. She knows, too, that in such an event she will lose her Eastern provinces. The States of Vermont and Massachusetts will ask no other assistance than their own militia to take Canada and Nova Scotia. Some of her West India islands will likewise fall. She knows also other things. Her subjects own sixteen millions of the old public debt of the United States, eight millions of the Louisiana stock, and three or four millions bank stock, and have private debts to the amount of ten or twelve millions; amounting in the whole to nearly forty millions of dollars. Will Great Britain, by going to war, risk her provinces, and this large amount of property? I think she will not put so much to hazard. I believe she will take no other steps than are usual with regard to neutral trade. As I said before, the risk of a contrary course will be too great. Her Minister is now trying a system, the continuance in which will depend on us. He means to see how much we can bear. By this step we shall put an end to it. If, before it goes into effect, we give him time to reflect, he will, rather than experience the injury that menaces his country, pay for the property that has been condemned, and release our seamen. Under these circumstances, and viewing the resolution as a pacific measure, I hope it will be adopted unanimously.

Mr. J. RANDOLPH.—I am extremely afraid, sir, that so far as it may depend on my acquaintance with details connected with the subject, I have very little right to address you, for in truth, I have not yet seen the documents from the Treasury, which were called for some time ago, to direct the judgment of this House in the decision of the question now before you; and, indeed after what I have this day heard, I no longer require that document or any other document—indeed I do not know that I ever should have required it—to vote on the resolution of the gentleman from Pennsylvania. If I had entertained any doubts they would have been removed by the style in which the friends of the resolution have this morning discussed it. I am perfectly aware, that on entering upon this subject, we go into it manacled, handcuffed, and tongue-tied; gentlemen know that our lips are sealed, on subjects of momentous foreign relations, which are indissolubly linked with the present question, and which would serve to throw a great light on it in every respect relevant to it. I will, however, endeavor to hobble over the subject, as well as my fettered limbs and palsied tongue will enable me to do it.

I am not surprised to hear this resolution discussed by its friends as a war measure. They say (it is true) that it is not a war measure; but they defend it on principles which would justify none but war measures, and seem pleased with the idea that it may prove the forerunner of war. If war is necessary—if we have reached this point—let us have war. But while I have life, I will never consent to these incipent war measures, which, in their commencement breathe nothing but peace, though they plunge at last into war. It has been well observed by the gentleman from Pennsylvania behind me (Mr. J. CLAY) that the situation of this nation in 1793, was in every respect different from that in which it finds itself in 1806. Let me ask, too, if the situation of England is not since materially changed? Gentlemen who, it would appear from their language, have not got beyond the horn-book of politics, talk of our ability to cope with the British navy, and tell us of the war of our Revolution. What was the situation of Great Britain then? She was then contending for the empire of the British channel, barely able to maintain a doubtful equality with her enemies, over whom she never gained the superiority until Rodney's victory of the twelfth of April. What is her present situation? The combined fleets of France, Spain, and Holland, are dissipated, they no longer exist. I am not surprised to hear men advocate these wild opinions, to see them goaded on by a spirit of mercantile avarice, straining their feeble strength to excite the nation to war, when they have reached this stage of infatuation, that we are an over-match for Great Britain on the ocean. It is mere waste of time to reason with such persons. They do not deserve anything like serious refutation. The proper arguments for such statesmen are a straight waistcoat, a dark room, water gruel, and depletion.

It has always appeared to me that there are three points to be considered, and maturely considered, before we can be prepared to vote for the resolution of the gentleman from Pennsylvania: First. Our ability to contend with Great Britain for the question in dispute: Secondly. The policy of such a contest: Thirdly. In case both these shall be settled affirmatively, the manner in which we can, with the greatest effect, re-act upon and annoy our adversary.

Now the gentleman from Massachusetts (Mr. CROWNINSHIELD) has settled at a single sweep, to use one of his favorite expressions, not only that we are capable of contending with Great Britain on the ocean, but that we are actually her superior. Whence does the gentleman deduce this inference? Because, truly, at that time when Great Britain was not mistress of the ocean, when a North was her prime minister, a Sandwich the first lord of her admiralty, when she was governed by a counting-house administration, privateers of this country trespassed on her commerce! So, too, did the cruisers of Dunkirk; at that day Suffrein held the mastery of the Indian seas. But what is the case now? Do gentlemen remember the capture of Cornwallis on land, because De Grasse maintained the dominion of the ocean? To my mind no position is more clear, than that if we go to war with Great Britain, Charleston and Boston,

the Chesapeake and the Hudson, will be invested by British squadrons. Will you call on the Count De Grasse to relieve them, or shall we apply to Admiral Gravina, or Admiral Villeneuve to raise the blockade? But you have not only a prospect of gathering glory, and what seems to the gentleman from Massachusetts, much dearer, profit, by privateering, but you will be able to make a conquest of Canada and Nova Scotia. Indeed! Then, sir, we shall catch a Tartar. I confess, however, I have no desire to see the Senators and Representatives of the Canadian French, or of the tories and refugees of Nova Scotia, sitting on this floor or that of the other House—to see them becoming members of the Union, and participating equally in our political rights. And on what other principle would the gentleman from Massachusetts be for incorporating those provinces with us? Or on what other principle could it be done under the Constitution? If the gentleman has no other bounty to offer us for going to war, than the incorporation of Canada and Nova Scotia with the United States, I am for remaining at peace.

What is the question in dispute? The carrying trade. What part of it? The fair, the honest, and the useful trade that is engaged in carrying our own productions to foreign markets, and bringing back their productions in exchange? No, sir. It is that carrying trade which covers enemy's property, and carries the coffee, the sugar, and other West India products, to the mother country. No, sir, if this great agricultural nation is to be governed by Salem and Boston, New York and Philadelphia, and Baltimore and Norfolk and Charleston, let gentlemen come out and say so; and let a committee of public safety be appointed from those towns to carry on the Government. I, for one, will not mortgage my property and my liberty, to carry on this trade. The nation said so seven years ago—I said so then, and I say so now. It is not for the honest carrying trade of America, but for this mushroom, this fungus of war—for a trade which, as soon as the nations of Europe are at peace, will no longer exist, it is for this that the spirit of avaricious traffic would plunge us into war.

I am forcibly struck on this occasion by the recollection of a remark made by one of the ablest (if not the honestest) Ministers that England ever produced. I mean Sir Robert Walpole, who said that the country gentlemen (poor meek souls!) came up every year to be sheared—that they laid mute and patient whilst their fleeces were taking off—but that if he touched a single bristle of the commercial interest, the whole stye was in an uproar. It was indeed shearing the hog—"great cry and little wool."

But we are asked, are we willing to bend the neck to England; to submit to her outrages? No, sir. I answer, that it will be time enough for us to vindicate the violation of our flag on the ocean, when they shall have told us what they have done in resentment of the violation of the actual territory of the United States by Spain—the true territory of the United States, not your new-fangled country over the Mississippi, but the good old United States—part of Georgia, of the old thirteen States—where citizens have been taken, not from our ships, but from our actual territory. When gentlemen have taken the padlock from our mouths, I shall be ready to tell them what I will do, relative to our dispute with Britain, on the law of nations, on contraband, and such stuff.

I have another objection to this course of proceeding. Great Britain, when she sees it, will say the American people have great cause of dissatisfaction with Spain. She will see by the documents furnished by the President, that Spain has outraged our territory, pirated upon our commerce, and imprisoned our citizens; and she will inquire what we have done? It is true, she will receive no answer, but she must know what we have not done. She will see that we have not repelled these outrages, nor made any addition to our army and navy—nor even classed the militia. No, sir not one of your militia generals in politics has marshalled a single brigade.

Although I have said it would be time enough to answer the question which gentlemen have put to me when they shall have answered mine, yet as I do not like long prorogations I will give them an answer now. I will never consent to go to war for that which I cannot protect. I deem it no sacrifice of dignity to say to the Leviathan of the deep—we are unable to contend with you in your own element, but if you come within our actual limits we will shed our last drop of blood in their defence. In such an event I would feel, not reason, and obey an impulse which never has, which never can deceive me.

France is at war with England—suppose her power on the continent of Europe no greater than it is on the ocean. How would she make her enemy feel it? There would be a perfect non-conductor between them. So with the United States and England—she scarcely presents to us a vulnerable point. Her commerce is now carried on for the most part in fleets—where in single ships they are stout and well armed—very different from the state of her trade during the American war, when her merchantmen became the prey of paltry privateers. Great Britain has been too long at war with the three most powerful maritime nations of Europe not to have learnt how to protect her trade. She can afford convoy to it all—she has eight hundred ships in commission, the navies of her enemies are annihilated. Thus this war has presented the new and curious political spectacle of a regular annual increase (and to an immense amount) of her imports and exports, and tonnage and revenue, and all the insignia of accumulating wealth, whilst in every former war, without exception, these have suffered a greater or less diminution. And wherefore? Because she has driven France, Spain, and Holland from the ocean. Their marine is no more. I verily believe that ten English ships-of the-line would not decline a meeting with the combined fleets of those nations. I forewarn the gentleman from Massachusetts and his constituents of Salem, that all their golden hopes are vain. I forewarn them of the exposure of their trade beyond the Cape of Good Hope (or now

doubling it) to capture and confiscation—of their unprotected seaport towns, exposed to contribution or bombardment. Are we to be legislated into war by a set of men, who in six weeks after its commencement may be compelled to take refuge with us up in the country? And for what? A mere fungus—a mushroom production of war in Europe, which will disappear with the first return of peace—an unfair trade. For is there a man so credulous as to believe that we possess a capital not only equal to what may be called our own proper trade, but large enough also to transmit to the respective parent States the vast and wealthy products of the French, Spanish and Dutch colonies? It is beyond the belief of any rational being. But this is not my only objection to entering upon this naval warfare; I am averse to a naval war with any nation whatever. I was opposed to the naval war of the last Administration, and I am as ready to oppose a naval war of the present Administration, should they meditate such a measure. What! shall this great mammoth of the American forest leave his native element and plunge into the water in a mad contest with the shark? Let him beware that his proboscis is not bitten off in the engagement. Let him stay on shore, and not be excited by the muscles and periwinkles on the strand, or political bears, in a boat to venture on the perils of the deep. Gentlemen say will you not protect your violated rights? and I say why take to water, where you can neither fight nor swim. Look at France—see her vessels stealing from port to port on her own coast—and remember that she is the first military Power of the earth, and as a naval people second only to England. Take away the British navy, and France to-morrow is the tyrant of the ocean.

This brings me to the second point. How far is it politic in the United States to throw their weight into the scale of France at this moment, from whatever motive—to aid the views of her gigantic ambition—to make her mistress of the sea and land—to jeopardize the liberties of mankind? Sir, you may help to crush Great Britain, you may assist in breaking down her naval dominion, but you cannot succeed to it. The iron sceptre of the ocean will pass into his hands who wears the iron crown of the land. You may then expect a new code of maritime law. Where will you look for redress? I can tell the gentleman from Massachusetts that there is nothing in his rule of three that will save us, even although he should out-do himself, and exceed the financial ingenuity which he so memorably displayed on a recent occasion. No, sir, let the battle of Actium be once fought, and the whole line of seacoast will be at the mercy of the conqueror. The Atlantic, deep and wide as it is, will prove just as good a barrier against his ambition, if directed against you, as the Mediterranean to the power of the Cæsars. Do I mean (when I say so) to crouch to the invader? No! I will meet him at the water's edge, and fight every inch of ground from thence to the mountains—from the mountains to the Mississippi. But after tamely submitting to an outrage on your domicil, will you bully and look big at an insult on your flag three thousand miles off?

But, sir, I have yet a more cogent reason against going to war, for the honor of the flag in the narrow seas, or any other maritime punctilio. It springs from my attachment to the Government under which I live. I declare, in the face of day, that this Government was not instituted for the purposes of offensive war. No! It was framed (to use its own language) "for the common defence and the general welfare," which are inconsistent with offensive war. I call that offensive war, which goes out of our jurisdiction and limits for the attainment or protection of objects, not within those limits, and that jurisdiction. As in 1798 I was opposed to this species of warfare, because I believed it would raze the Constitution to its very foundation—so, in 1806, I am opposed to it, and on the same grounds. No sooner do you put the Constitution to this use—to a test which it is by no means calculated to endure—than its incompetency becomes manifest, and apparent to all. I fear if you go into a foreign war, for a circuitous, unfair carrying trade, you will come out without your Constitution. Have not you contractors enough yet in this House? Or, do you want to be overrun and devoured by commissaries, and all the vermin of contract? I fear, sir, that what are called "the energy men" will rise up again—men who will burn the parchment. We shall be told that our Government is too free; or, as they would say, weak and inefficient. Much virtue, sir, in terms! That we must give the President power to call forth the resources of the nation. That is, to filch the last shilling from our pockets—to drain the last drop of blood from our veins. I am against giving this power to any man, be he who he may. The American people must either withhold this power, or resign their liberties. There is no other alternative. Nothing but the most imperious necessity will justify such a grant. And is there a powerful enemy at our doors? You may begin with a First Consul. From that chrysalis state he soon becomes an Emperor. You have your choice. It depends upon your election whether you will be a free, happy, and united people at home, or the light of your Executive Majesty shall beam across the Atlantic in one general blaze of the public liberty.

For my part, I will never go to war but in self-defence. I have no desire for conquests—no ambition to possess Nova Scotia. I hold the liberties of this people at a higher rate. Much more am I indisposed to war, when, among the first means for carrying it on, I see gentlemen propose the confiscation of debts due by Government to individuals. Does a *bona fide* creditor know who holds his paper? Dare any honest man ask himself the question? 'Tis hard to say whether such principles are more detestably dishonest, than they are weak and foolish. What, sir, will you go about with proposals for opening a loan in one hand, and a sponge for the national debt in the other? If, on a late occasion, you could not borrow at a less rate of interest than eight per cent., when the Government avowed that they would

pay to the last shilling of the public ability, at what price do you expect to raise money with an avowal of these nefarious opinions? God help you, if these are your ways and means for carrying on war! if your finances are in the hands of such a Chancellor of the Exchequer. Because a man can take an observation, and keep a log-book and a reckoning; can navigate a cock-boat to the West Indies, or the East, shall he aspire to navigate the great vessel of State—to stand at the helm of public councils? *Ne sutor ultra crepidam.* What are you going to war for? For the carrying trade? Already you possess seven-eighths of it. What is the object in dispute? The fair, honest trade, that exchanges the product of our soil for foreign articles for home consumption? Not at all. You are called upon to sacrifice this necessary branch of your navigation, and the great agricultural interest—whose handmaid it is—to jeopardize your best interests for a circuitous commerce, for the fraudulent protection of belligerent property under your neutral flag. Will you be goaded, by the dreaming calculations of insatiate avarice, to stake your all for the protection of this trade? I do not speak of the probable effects of war on the price of our produce. Severely as we must feel, we may scuffle through it. I speak of its reaction on the Constitution. You may go to war for this excrescence of the carrying trade, and make peace at the expense of the Constitution. Your Executive will lord it over you, and you must make the best terms with the conqueror that you can. But the gentleman from Pennsylvania (Mr. GREGG) tells you that he is for acting in this, as in all things, uninfluenced by the opinion of any Minister whatever—foreign, or, I presume, domestic. On this point I am willing to meet the gentleman—am unwilling to be dictated to by any Minister, at home or abroad. Is he willing to act on the same independent footing? I have before protested, and I again protest against secret, irresponsible, overruling influence. The first question I asked when I saw the gentleman's resolution, was, "Is this a measure of the Cabinet?" Not of an open declared Cabinet; but, of an invisible, inscrutable, unconstitutional Cabinet, without responsibility, unknown to the Constitution. I speak of back-stairs influence—of men who bring messages to this House, which, although they do not appear on the Journals, govern its decisions. Sir, the first question that I asked on the subject of British relations, was, What is the opinion of the Cabinet? What measures will they recommend to Congress?—(well knowing that whatever measures we might take, they must execute them, and therefore, that we should have their opinion on the subject.) My answer was, (and from a Cabinet Minister too.) "*There is no longer any Cabinet.*" Subsequent circumstances, sir, have given me a personal knowledge of the fact. It needs no commentary.

But the gentleman has told you that we ought to go to war, if for nothing else, for the fur trade. Now, sir, the people on whose support he seems to calculate, follow, let me tell him, a better business, and let me add, that whilst men are happy at home reaping their own fields—the fruits of their labor and industry—there is little danger of their being induced to go sixteen or seventeen hundred miles in pursuit of beavers, racoons, or opossums, much less of going to war for the privilege. They are better employed where they are. This trade, sir, may be important to Britain, to nations who have exhausted every resource of industry at home, bowed down by taxation and wretchedness. Let them, in God's name, if they please, follow the fur trade. They may, for me, catch every beaver in North America. Yes, sir, our people have a better occupation—a safe, profitable, honorable employment. While they should be engaged in distant regions in hunting the beaver, they dread lest those whose natural prey they are should begin to hunt them, should pillage their property, and assassinate their Constitution. Instead of these wild schemes, pay off your debt, instead of prating about its confiscation. Do not, I beseech you, expose at once your knavery and your folly. You have more lands than you know what to do with, you have lately paid fifteen millions for yet more. Go and work them, and cease to alarm the people with the cry of wolf, until they become deaf to your voice, or at least laugh at you.

Mr. Chairman, if I felt less regard for what I deem the best interests of this nation than for my own reputation, I should not, on this day, have offered to address you, but would have waited to come out, bedecked with flowers and boquets of rhetoric, in a set speech. But, sir, I dreaded lest a tone might be given to the mind of the committee—they will pardon me, but I did fear, from all that I could see or hear, that they might be prejudiced by its advocates, (under pretence of protecting our commerce) in favor of this ridiculous and preposterous project; I rose, sir, for one, to plead guilty; to declare in the face of day that I will not go to war for this carrying trade. I will agree to pass for an idiot if this is not the public sentiment, and you will find it to your cost, begin the war when you will.

Gentlemen talk of 1793. They might as well go back to the Trojan war. What was your situation then? Then every heart beat high with sympathy for France, for *republican France!* I am not prepared to say, with my friend from Pennsylvania, that we were all ready to draw our swords in her cause, but I affirm that we were prepared to have gone great lengths. I am not ashamed to pay this compliment to the hearts of the American people, even at the expense of their understandings. It was a noble and generous sentiment, which nations like individuals are never the worse for having felt. They were, I repeat it, ready to make great sacrifices for France. And why ready? Because she was fighting the battles of the human race against the combined enemies of their liberty; because she was performing the part which Great Britain now, in fact, sustains, forming the only bulwark against universal dominion. Knock away her Navy, and where are you? Under the naval despotism of France, unchecked and unqualified by any an-

tagonizing military power; at best but a change of masters. The tyrant of the ocean, and the tyrant of the land, is one and the same, lord of all, and who shall say him nay, or wherefore doest thou this thing? Give to the tiger the properties of the shark, and there is no longer safety for the beasts of the forest or the fishes of the sea. Where was this high anti-Britannic spirit of the gentleman from Pennsylvania, when his vote would have put an end to the British treaty, that pestilent source of evil to this country? and at a time, too, when it was not less the interest than the sentiment of this people to pull down Great Britain and exalt France. Then, when the gentleman might have acted with effect, he could not screw his courage to the sticking place. Then England was combined in what has proven a feeble, inefficient coalition, but which gave just cause of alarm to every friend of freedom. Now the liberties of the human race are threatened by a single Power, more formidable than the coalesced world, to whose utmost ambition, vast as it is, the naval force of Great Britain forms the only obstacle.

I am perfectly sensible and ashamed of the trespass I am making on the patience of the Committee; but as I know not whether it will be in my power to trouble them again on this subject, I must beg leave to continue my crude and desultory observations. I am not ashamed to confess that they are so. At the commencement of this session, we received a printed Message from the President of the United States, breathing a great deal of national honor, and indignation at the outrages we had endured, particularly from Spain. She was specially named and pointed at. She had pirated upon your commerce, imprisoned your citizens, violated your actual territory; invaded the very limits solemnly established between the two nations by the Treaty of San Lorenzo. Some of the State Legislatures, (among others the very State on which the gentleman from Pennsylvania relies for support,) sent forward resolutions pledging their lives, their fortunes, and their sacred honor, in support of any measures you might take in vindication of your injured rights. Well, sir, what have you done? You have had resolutions laid upon your table, gone to some expense of printing and stationery—mere pen, ink, and paper, that's all. Like true political quacks, you deal only in handbills and nostrums. Sir, I blush to see the record of our proceedings; they resemble nothing but the advertisements of patent medicines. Here you have "the worm-destroying lozenges," there "Church's cough drops;" and, to crown the whole, "Sloan's vegetable specific," an infallible remedy for all nervous disorders and vertigoes of brain-sick politicians; each man earnestly adjuring you to give his medicine only a fair trial. If, indeed, these wonder-working nostrums could perform but one-half of what they promise, there is little danger of our dying a political death, at this time at least. But, sir, in politics as in physics, the doctor is oftimes the most dangerous disease; and this I take to be our case at present.

But, sir, why do I talk of Spain? There are no longer Pyrenees. There exists no such nation, no such being as a Spanish King, or Minister. It is a mere juggle, played off for the benefit of those who put the mechanism into motion. You know, sir, that you have no differences with Spain; that she is the passive tool of a superior Power, to whom, at this moment, you are crouching. Are your differences, indeed, with Spain? And where are you going to send your political panacea, resolutions and handbills excepted, your sole arcanum of Government, your king cure all? To Madrid? No—you are not such quacks as not to know where the shoe pinches—to Paris. You know, at least, where the disease lies, and there you apply your remedy. When the nation anxiously demands the result of your deliberations, you hang your head and blush to tell. You are afraid to tell. Your mouth is hermetically sealed. Your honor has received a wound which must not take air. Gentlemen dare not come forward and avow their work, much less defend it in the presence of the nation. Give them all they ask, that Spain exists—and what then? After shrinking from the Spanish jackall, do you presume to bully the British lion? But here the secret comes out. Britain is your rival in trade, and governed as you are by counting-house politicians, you would sacrifice the paramount interests of the country, to wound that rival. For Spain and France you are carriers, and from good customers every indignity is to be endured. And what is the nature of this trade? Is it that carrying trade which sends abroad the flour, tobacco, cotton, beef, pork, fish, and lumber of this country, and brings back in return foreign articles necessary for our existence or comfort? No, sir, it is a trade carried on—the Lord knows where, or by whom; now doubling Cape Horn, now the Cape of Good Hope. I do not say that there is no profit in it—for it would not then be pursued—but it is a trade that tends to assimilate our manners and Government to those of the most corrupt countries of Europe. Yes, sir, and when a question of great national magnitude presents itself to you, it causes those who now prate about national honor and spirit to pocket any insult; to consider it as a mere matter of debit and credit; a business of profit and loss, and nothing else.

The first thing that struck my mind, when this resolution was laid on the table, was *unde derivatur?* A question always put to us at school. Whence comes it? Is this only the putative father of the bantling he is taxed to maintain, or, indeed, the actual parent, the real progenitor of the child? Or, is it the production of the Cabinet? But, I knew you had no Cabinet, no system. I had seen despatches relating to vital measures laid before you the day after your final decision on those measures, four weeks after they were received; not only their contents, but their very existence, all that time unsuspected and unknown to men whom the people fondly believe assist with their wisdom and experience at every important deliberation. Do you believe that this system, or rather this no-system, will do? I am

free to answer it will not, it cannot last. I am not so afraid of the fair, open, Constitutional, responsible influence of Government, but I shrink intuitively from this left-handed, invisible, irresponsible influence, which defies the touch, but pervades and decides everything. Let the Executive come forward to the Legislature; let us see while we feel it. If we cannot rely on its wisdom, is it any disparagement to the gentleman from Pennsylvania to say that I cannot rely upon him? No, sir, he has mistaken his talent. He is not the Palinurus on whose skill the nation, at this trying moment, can repose their confidence. I will have nothing to do with his paper, much less will I endorse it, and make myself responsible for its goodness. I will not put my name to it. I assert that there is no Cabinet, no system, no plan; that which I believe in one place, I shall never hesitate to say in another. This is no time, no place, for mincing our steps. The people have a right to know; they shall know the state of their affairs; at least, as far as I am at liberty to communicate them. I speak from personal knowledge. Ten days ago there had been no consultation; there existed no opinion in your Executive department; at least, none that was avowed. On the contrary, there was an express disavowal of any opinion whatsoever, on the great subject before you; and I have good reason for saying that none has been formed since. Some time ago, a book was laid on our tables, which, like some other bantlings, did not bear the name of its father. Here I was taught to expect a solution of all doubts, an end to all our difficulties. If, sir, I were the foe—as I trust I am the friend of this nation—I would exclaim, "Oh, that mine enemy would write a book!" At the very outset, in the very first page, I believe, there is a complete abandonment of the principle in dispute. Has any gentleman got the work? [It was handed by one of the members.] The first position taken is the broad principle of the unlimited freedom of trade between nations at peace, which the writer endeavors to extend to the trade between a neutral and a belligerent Power, accompanied, however, by this acknowledgment: "But, inasmuch as the 'trade of a neutral with a belligerent nation 'might, in certain special cases, affect the safety 'of its antagonist, usage, founded on the principle 'of necessity, has admitted a few exceptions to 'the general rule." Whence comes the doctrine of contraband, blockade, and enemy's property? Now, sir, for what does that celebrated pamphlet, "War in Disguise"—which is said to have been written under the eye of the British Prime Minister—contend, but this "principle of necessity?" And this is abandoned by this pamphleteer at the very threshold of the discussion. But, as if this were not enough, he goes on to assign as a reason for not referring to the authority of the ancients, "that the great change which has taken 'place in the state of manners, in the maxims of 'war, and in the course of commerce, make it 'pretty certain" (what degree of certainty is this?) "that either nothing will be found relating to the 'question, or nothing sufficiently applicable to deserve attention in deciding it." Here, sir, is an apology of the writer for not disclosing the whole extent of his learning, (which might have overwhelmed the reader) is the admission that a change of circumstances, ("in the course of commerce,") has made (and, therefore, will now justify) a total change of the law of nations. What more could the most inveterate advocate of English usurpation demand? What else can they require to establish all, and even more than they contend for? Sir, there is a class of men—we know them very well—who, if you only permit them to lay the foundation, will build you up, step by step, and brick by brick, very neat and showy, if not tenable arguments. To detect them, it is only necessary to watch their premises, where you will often find the point at issue surrendered, as in this case it is.

Again: Is the *mare liberum* anywhere asserted in this book, that free ships make free goods? No, sir; the right of search is acknowledged; that enemy's property is lawful prize, is sealed and delivered. And, after abandoning these principles, what becomes of the doctrine that a mere shifting of the goods from one ship to another, the touching at another port, changes the property? Sir, give up this principle, and there is an end of the question. You lie at the mercy of the conscience of a Court of Admiralty. Is Spanish sugar, or French coffee, made American property, by the mere change of the cargo, or even by the landing and payment of the duties? Does this operation effect a change of property? And when those duties are drawn back, and the sugar and coffee re exported, are they not (as enemy's property) liable to seizure upon the principles of the "Examination of the British doctrine," &c.? And, is there not the best reason to believe, that this operation is performed in many, if not in most cases, to give a neutral aspect and color to the merchandise?

I am prepared, sir, to be represented as willing to surrender important rights of this nation to a foreign Government. I have been told that this sentiment is already whispered in the dark, by time-servers and sycophants. But, if your Clerk dared to print them, I would appeal to your Journals. I would call for the reading of them, but that I know they are not for profane eyes to look upon. I confess that I am more ready to surrender to a naval Power a square league of ocean, than to a territorial one, a square inch of land within our limits; and I am ready to meet the friends of the resolution on this ground at any time.

Let them take off the injunction of secrecy. They dare not. They are ashamed and afraid to do it. They may give winks and nods, and pretend to be wise, but they dare not come out and tell the nation what they have done. Gentlemen may take notes if they please, but I will never, from any motive short of self-defence, enter upon war. I will never be instrumental to the ambitious schemes of Bonaparte, nor put into his hands what will enable him to wield the world, and on the very principle that I wished success to

the French arms in 1793. And wherefore? Because the case is changed. Great Britain can never again see the year 1760. Her continental influence is gone forever. Let who will be uppermost on the continent of Europe, she must find more than a counterpoise for her strength. Her race is run. She can only be formidable as a maritime Power; and, even as such, perhaps not long. Are you going to justify the acts of the last Administration, for which they have been deprived of the Government at our instance? Are you going back to the ground of 1798–'9? I ask any man who now advocates a rupture with England to assign a single reason for his opinion, that would not have justified a French war in 1798? If injury and insult abroad would have justified it, we had them in abundance then. But what did the Republicans say at that day? That, under the cover of a war with France, the Executive would be armed with a patronage and power which might enable it to master our liberties. They deprecated foreign war and navies, and standing armies, and loans, and taxes. The delirium passed away—the good sense of the people triumphed, and our differences were accommodated without a war. And what is there in the situation of England that invites to war with her? It is true she does not deal so largely in perfectability, but she supplies you with a much more useful commodity—with coarse woollens. With less profession indeed she occupies the place of France in 1793. She is the sole bulwark of the human race against universal dominion; no thanks to her for it. In protecting her own existence, she insures theirs. I care not who stands in this situation, whether England or Bonaparte. I practice the doctrines now that I professed in 1798. Gentlemen may hunt up the journals if they please; I voted against all such projects under the Administration of John Adams, and I will continue to do so under that of Thomas Jefferson. Are you not contented with being free and happy at home? Or will you surrender these blessings that your merchants may tread on Turkish and Persian carpets, and burn the perfumes of the East in their vaulted rooms. Gentlemen say it is but an annual million lost, and even if it were five times that amount, what is it compared with your neutral rights? Sir, let me tell them a hundred millions will be but a drop in the bucket, if once they launch without rudder or compass into this ocean of foreign warfare. Whom do they want to attack? England. They hope it is a popular thing, and talk about Bunker's Hill, and the gallant feats of our Revolution. But is Bunker's Hill to be the theatre of war? No, sir, you have selected the ocean, and the object of attack is that very navy which prevented the combined fleets of France and Spain from levying contribution upon you in your own seas; that very navy which, in the famous war of 1798, stood between you and danger. Whilst the fleets of the enemy were pent up in Toulon, or pinioned in Brest, we performed wonders to be sure; but, sir, if England had drawn off, France would have told you quite a different tale. You would have struck no medals. This is not the sort of conflict that you are to count upon, if you go to war with Great Britain. *Quem Deus vult perdere prius dementat.* And are you mad enough to take up the cudgels that have been struck from the nerveless hands of the three great maritime Powers of Europe? Shall the planter mortgage his little crop, and jeopardize the Constitution in support of commercial monopoly, in the vain hope of satisfying the insatiable greediness of trade? Administer the Constitution upon its own principles: for the general welfare, and not for the benefit of any particular class of men. Do you meditate war for the possession of Baton Rouge or Mobile, places which your own laws declare to be within your limits? Is it even for the fair trade that exchanges your surplus products for such foreign articles as you require? No, sir, it is for a circuitous trade—an ignis fatuus. And against whom? A nation from whom you have anything to fear?—I speak as to our liberties. No, sir, with a nation from whom you have nothing, or next to nothing, to fear; to the aggrandizement of one against which you have everything to dread. I look to their ability and interest, not to their disposition. When you rely on that the case is desperate. Is it to be inferred from all this that I would yield to Great Britain? No. I would act towards her now, as I was disposed to do towards France, in 1798–'9; treat with her, and for the same reason, on the same principles. Do I say I would treat with her? At this moment you have a negotiation pending with her Government. With her you have not tried negotiation and failed, totally failed, as you have done with Spain, or rather France; and wherefore, under such circumstances, this hostile spirit to the one, and this—I will not say what—to the other?

But a great deal is said about the laws of nations. What is national law but national power guided by national interest? You yourselves acknowledge and practice upon this principle where you can, or where you dare—with the Indian tribes for instance. I might give another and more forcible illustration. Will the learned lumber of your libraries add a ship to your fleet, or a shilling to your revenue? Will it pay or maintain a single soldier? And will you preach and prate of violations of your neutral rights, when you tamely and meanly submit to the violation of your territory? Will you collar the stealer of your sheep, and let him escape that has invaded the repose of your fireside—has insulted your wife and children under your own roof? This is the heroism of truck and traffic—the public spirit of sordid avarice. Great Britain violates your flag on the high seas. What is her situation? Contending, not for the dismantling of Dunkirk, for Quebec, or Pondicherry, but for London and Westminster—for life. Her enemy violating at will the territories of other nations, acquiring thereby a colossal power that threatens the very existence of her rival. But she has one vulnerable point to the arms of her adversary, which she covers with the ensigns of neutrality; she draws

the neutral flag over the heel of Achilles. And can you ask that adversary to respect it at the expense of her existence? and in favor of whom? An enemy that respects no neutral territory of Europe, and not even your own. I repeat that the insults of Spain towards this nation have been at the instigation of France; that there is no longer any Spain. Well, sir, because the French Government does not put this in the Moniteur, you choose to shut your eyes to it. None so blind as those who will not see. You shut your own eyes, and to blind those of other people, you go into conclave, and slink out again and say, "a great affair of State!"—*C'est une grande affaire d'Etat!* It seems that your sensibility is entirely confined to the extremities. You may be pulled by the nose and ears, and never feel it, but let your strong box be attacked, and you are all nerve—"Let us go to war!" Sir, if they called upon me only for my little *peculium* to carry it on, perhaps I might give it; but my rights and liberties are involved in the grant, and I will never surrender them while I have life. The gentleman from Massachusetts (Mr. CROWNINSHIELD) is for sponging the debt. I can never consent to it; I will never bring the ways and means of fraudulent bankruptcy into your committee of supply. Confiscation and swindling shall never be found among my estimates to meet the current expenditure of peace or war. No, sir, I have said with the doors closed, and I say so when the doors are open, "pay the public debt;" get rid of that dead weight upon your Government—that cramp upon all your measures—and then you may put the world at defiance. So long as it hangs upon you, you must have revenue, and to have revenue you must have commerce—commerce, peace. And shall these nefarious schemes be advised for lightening the public burdens; will you resort to these low and pitiful shifts; dare even to mention these dishonest artifices to eke out your expenses, when the public treasure is lavished on Turks and infidels, on singing boys and dancing girls, to furnish the means of beastiality to an African barbarian?

Gentlemen say that Great Britain will count upon our divisions. How? What does she know of them? Can they ever expect greater unanimity than prevailed at the last Presidential election? No, sir, it is the gentleman's own conscience that squeaks. But if she cannot calculate upon your divisions, at least she may reckon upon your pusillanimity. She may well despise the resentment that cannot be excited to honorable battle on its own ground; the mere effusion of mercantile cupidity. Gentlemen talk of repealing the British Treaty. The gentleman from Pennsylvania should have thought of that, before he voted to carry it into effect. And what is all this for? A point which Great Britain will not abandon to Russia, you expect her to yield to you—Russia! indisputably the second Power of Continental Europe; with not less than half a million of hardy troops; with sixty sail-of the-line, thirty millions of subjects, and a territory more extensive even than our own—Russia, sir, the storehouse of the British Navy, whom it is not more the policy and the interest than the sentiment of that Government to soothe and to conciliate—her sole hope of a diversion on the continent, and her only efficient ally. What this formidable Power cannot obtain with fleets and armies, you will command by writ—with pothooks and hangers. I am for no such policy. True honor is always the same. Before you enter into a contest, public or private, be sure you have fortitude enough to go through with it. If you mean war, say so, and prepare for it. Look on the other side; behold the respect in which France holds neutral rights on land; observe her conduct in regard to the Franconian estates of the King of Prussia. I say nothing of the petty Powers—of the Elector of Baden, or of the Swiss—I speak of a first rate Monarchy of Europe, and at a moment, too, when its neutrality was the object of all others nearest to the heart of the French Emperor. If you make him monarch of the ocean, you may bid adieu to it forever. You may take your leave, sir, of navigation—even of the Mississippi. What is the situation of New Orleans if attacked tomorrow? Filled with a discontented and repining people, whose language, manners, and religion, all incline them to the invader—a dissatisfied people, who despise the miserable Governor you have set over them—whose honest prejudices and basest passions alike take part against you. I draw my information from no dubious source; but from a native American, an enlightened member of that odious and imbecile Government. You have official information that the town and its dependencies are utterly defenceless and untenable. A firm belief that (apprized of this) Government would do something to put the place in a state of security, alone has kept the American portion of that community quiet. You have held that post, you now hold it, by the tenure of the naval predominance of England, and yet you are for a British naval war.

There are now but two great commercial nations—Great Britain is one, and the United States the other. When you consider the many points of contact between our interests, you may be surprised that there has been so little collision. Sir, to the other belligerent nations of Europe your navigation is a convenience, I might say, a necessary. If you do not carry for them they must starve, at least for the luxuries of life, which custom has rendered almost indispensable; and if you cannot act with some degree of spirit towards those who are dependent upon you as carriers, do you reckon to browbeat a jealous rival, who, the moment she lets slip the dogs of war, sweeps you at a blow from the ocean And *cui bono?* for whose benefit? The planter? Nothing like it. The fair, honest, real American merchant? No, sir, for renegadoes; to-day American, to-morrow, Danes. Go to war when you will, the property, now covered by the American, will then pass under the Danish, or some other neutral flag. Gentlemen say that one English ship is worth three of ours; we shall therefore have the advantage in privateering. Did they ever know a na-

tion to get rich by privateering? This is stuff, sir, for the nursery. Remember that your products are bulky, as has been stated; that they require a vast tonnage to transport them abroad, and that but two nations possess that tonnage. Take these carriers out of the market. What is the result? The manufactures of England, which (to use a finishing touch of the gentlemen's rhetoric) have received the finishing stroke of art, lie in a small comparative compass. The neutral trade can carry them. Your produce rots in the warehouse. You go to Eustatia or St. Thomas and get a striped blanket for a joe, if you can raise one. Double freight, charges, and commission. Who receives the profit? The carrier. Who pays it? The consumer. All your produce that finds its way to England, must bear the same accumulated charges—with this difference, that *there* the burden falls on the home price. I appeal to the experience of the late war, which has been so often cited. What then was the price of produce, and of broadcloth?

But you are told England will not make war; that she has her hands full. Holland calculated in the same way in 1781. How did it turn out? You stand now in the place of Holland, then without her Navy, and unaided by the preponderating fleets of France and Spain, to say nothing of the Baltic Powers. Do you want to take up the cudgels where these great maritime States have been forced to drop them? to meet Great Britain on the ocean, and drive her off its face? If you are so far gone as this, every capital measure of your policy has hitherto been wrong. You should have nurtured the old, and devised new systems of taxation, and have cherished your navy. Begin this business when you may, land-taxes, stamp-acts, window-taxes, hearth-money, excise, in all its modifications of vexation and oppression, must precede or follow after. But, sir, as French is the fashion of the day, I may be asked for my *projet*. I can readily tell gentlemen what I will not do. I will not propitiate any foreign nation with money. I will not launch into a naval war with Great Britain, although I am ready to meet her at the Cowpens or on Bunker's Hill—and for this plain reason, we are a great land animal, and our business is on shore. I will send her money, sir, on no pretext whatever, much less on pretence of buying Labrador, or Botany Bay, when my real object was to secure limits, which she formally acknowledged at the peace of 1783. I go further: I would (if anything) have laid an embargo. This would have got our own property home, and our adversary's into our power. If there is any wisdom left among us, the first step towards hostility will always be an embargo. In six months all your mercantile megrims would vanish. As to us, although it would cut deep, we can stand it. Without such a precaution, go to war when you will, you go to the wall. As to debts, strike the balance to-morrow, and England is I believe in our debt.

I hope, sir, to be excused for proceeding in this desultory course. I flatter myself I shall not have occasion again to trouble you. I know not that I shall be able, certainly not willing, unless provoked in self-defence. I ask your attention to the character of the inhabitants of that Southern country, on whom gentlemen rely for support of their measure. Who and what are they? A simple, agricultural people, accustomed to travel in peace to market with the produce of their labor. Who takes it from us? Another people, devoted to manufactures—our sole source of supply. I have seen some stuff in the newspapers about manufactures in Saxony, and about a man who is no longer the chief of a dominant faction. The greatest man whom I ever knew—the immortal author of the letters of Curtius—has remarked the proneness of cunning people to wrap up and disguise in well-selected phrases doctrines too deformed and detestable to bear exposure in naked words; by a judicous choice of epithets to draw the attention from the lurking principle beneath, and perpetuate delusion. But a little while ago, and any man might have been proud to have been considered as the head of the Republican party. Now, it seems, it is reproachful to be deemed the chief of a dominant faction. Mark the magic of words. Head—*chief*. Republican party—*dominant faction*. But as to these Saxon manufactures. What became of their Dresden china? Why the Prussian bayonets have broken all the pots, and you are content with Worcestershire or Staffordshire ware. There are some other fine manufactures on the continent, but no supply, except perhaps of linens, the article we can best dispense with. A few individuals, sir, may have a coat of Louvier's cloth, or a service of Sevres china; but there is too little, and that little too dear, to furnish the nation. You must depend on the fur trade in earnest, and wear buffalo hides and bear skins.

Can any man who understands Europe pretend to say that a particular foreign policy is now right because it would have been expedient twenty, or even ten years ago, without abandoning all regard for common sense? Sir, it is the statesman's province to be guided by circumstances; to anticipate, to foresee them; to give them a course and a direction; to mould them to his purpose. It is the business of a counting-house clerk to peer into the day book and leger, to see no further than the spectacles on his nose, to feel not beyond the pen behind his ear; to chatter in coffee-houses, and be the oracle of clubs. From 1783 to 1793, and even later, (I dont stickle for dates.) France had a formidable marine—so had Holland—so had Spain. The two first possessed of thriving manufactures and a flourishing commerce. Great Britain, tremblingly alive to her manufacturing interests and carrying trade, would have felt to the heart any measure calculated to favor her rivals in these pursuits. She would have yielded then to her fears and her jealousy alone. What is the case now? She lays an export duty on her manufactures, and there ends the question. If Georgia shall (from whatever cause) so completely monopolize the culture of cotton as to be able to lay an export duty of three per cent. upon

it, besides taxing its cultivators, in every other shape, that human or infernal ingenuity can devise, is Pennsylvania likely to rival her and take away the trade?

But, sir, it seems that we, who are opposed to this resolution, are men of no nerve, who trembled in the days of the British treaty—cowards (I presume) in the reign of terror? Is this true? Hunt up the journals; let our actions tell. We pursue our old unshaken course. We care not for the nations of Europe, but make foreign relations bend to our political principles and subserve our country's interest. We have no wish to see another Actium, or Pharsalia, or the lieutenants of a modern Alexander playing at piquet, or all-fours, for the empire of the world. It is poor comfort to us to be told that France has too decided a taste for luxurious things to meddle with us; that Egypt is her object, or the coast of Barbary, and, at the worst, we shall be the last devoured. We are enamored with neither nation; we would play their own game upon them, use them for our interest and convenience. But with all my abhorrence of the British Government, I should not hesitate between Westminster Hall and a Middlesex jury, on the one hand, and the wood of Vincennes and a file of grenadiers on the other. That jury-trial, which walked with Horne Tooke and Hardy through the flames of ministerial persecution is, I confess, more to my taste than the trial of the Duke d'Enghein.

Mr. Chairman, I am sensible of having detained the Committee longer than I ought; certainly much longer than I intended. I am equally sensible of their politeness, and not less so, sir, of your patient attention. It is your own indulgence, sir, badly requited indeed, to which you owe this persecution. I might offer another apology for these undigested, desultory remarks—my never having seen the Treasury documents. Until I came into the House this morning I had been stretched on a sick bed. But when I behold the affairs of this nation instead of being where I hoped, and the people believed, they were, in the hands of responsible men, committed to Tom, Dick, and Harry, to the refuse of the retail trade of politics, I do feel, I cannot help feeling, the most deep and serious concern. If the Executive government would step forward and say, "such is our plan, such is our opinion, and such are our reasons in support of it," I would meet it fairly, would openly oppose, or pledge myself to support it. But, without compass or polar star, I will not launch into an ocean of unexplored measures, which stand condemned by all the information to which I have access. The Constitution of the United States declares it to be the province and the duty of the President "to give to Congress, 'from time to time, information of the state of 'the Union, and recommend to their consideration such measures as he shall judge expedient 'and necessary." Has he done it? I know, sir, that we may say, and do say, that we are independent, (would it were true;) as free to give a direction to the Executive as to receive it from him. But do what you will, foreign relations, every measure short of war, and even the course of hostilities depends upon him. He stands at the helm, and must guide the vessel of State. You give him money to buy Florida, and he purchases Louisiana. You may furnish means; the application of those means rests with him. Let not the master and mate go below when the ship is in distress, and throw the responsibility upon the cook and the cabin-boy. I said so when your doors were shut; I scorn to say less now that they are open. Gentlemen may say what they please. They may put an insignificant individual to the ban of the Republic—I shall not alter my course. I blush with indignation at the misrepresentations which have gone forth in the public prints of our proceedings, public and private. Are the people of the United States, the real sovereigns of the country, unworthy of knowing what, there is too much reason to believe, has been communicated to the privileged spies of foreign Governments? I think our citizens just as well entitled to know what has passed as the Marquis Yrujo, who has bearded your President to his face, insulted your Government within its own peculiar jurisdiction, and outraged all decency. Do you mistake this diplomatic puppet for an automaton? He has orders for all he does. Take his instructions from his pocket to-morrow, they are signed "Charles Maurice Talleyrand." Let the nation know what they have to depend upon. Be true to them, and (trust me) they will prove true to themselves and to you. The people are honest—now at home at their ploughs, not dreaming of what you are about. But the spirit of inquiry, that has too long slept, will be, must be, awakened. Let them begin to think—not to say such things are proper because they have been done—of what has been done, and wherefore, and all will be right.

The Committee then rose, and the House adjourned.

THURSDAY, March 6.

Mr. CONRAD, from the committee to whom was referred, on the twelfth of December last, a letter in the German language, from David Christoph Mau, addressed to the Speaker, presenting to Congress a copy of his works, made a report thereon; which was read, and considered: Whereupon,

Resolved, That the Librarian be directed to receive and take charge of the said books, and that the Speaker be requested to acknowledge, by a letter addressed to the said David Christoph Mau, the acceptance of the said books.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the relief of the Governor, Judges, and Secretary, of the Indiana Territory:" Whereupon,

Ordered, That the said amendments, together with the bill, be commited to a Committee of the whole House on Monday next.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act relating to bonds given by Marshals:" Whereupon.

Ordered, That the said amendments, together with the bill, be referred to Mr. TALLMADGE, Mr. CLARK, and Mr. HASTINGS.

The bill sent from the Senate, entitled "An act for the punishment of counterfeiting the current coin of the United States, and for other purposes," was read twice, and committed to a Committee of the whole House on Thursday next.

Mr. G. W. CAMPBELL, one of the members from the State of Tennesseee, presented to the House certain resolutions of the General Assembly of the said State, for the opening the Muscle Shoals, in the river Tennessee; which were read, and referred to Mr. G. W. CAMPBELL Mr. VARNUM, Mr. WALTON, Mr. LEWIS, and Mr. SPALDING.

Mr. G. W. CAMPBELL, moved the following resolution:

Resolved, That provision ought to be made for opening and improving the navigation of the river Tennessee, through the Muscle Shoals, in the Mississippi Territory.

Ordered, That the said resolution be referred to the committee last appointed.

NON-IMPORTATION OF BRITISH GOODS.

The House resolved itself into a Committee of the Whole on the state of the Union on Mr. GREGG'S resolution.

Mr. N. WILLIAMS.—The subject now under consideration calls for a display of all the knowledge and experience of commercial men and statesmen. And although I do not profess to be of either class, yet if I should chance to bestow a mite of information upon a subject of such vast importance to this country, it will no doubt be favorably received by this honorable Committee.

The resolution now under discussion has for its principal object the protection of the active commerce of our country; it therefore becomes us perhaps, before we enter into the merits of the measure proposed, to inquire whether commerce is of itself so important to us, as to demand our protection. This first inquiry might seem unnecessary, and even extraordinary, had we not witnessed so recently, upon this floor, the very light and trivial manner in which the commerce of this country has been treated, and had we not heard the very strange opinion, that it ought to be left to take care of itself.

It is possible that the agricultural class, which embraces a very great and respectable part of the population of our country, will look for some evidence of the benefits to be derived to them from the protected enterprise of our merchants. Those benefits, however, are so obvious to an attentive observer, that very little need be urged to render them apparent. It has been justly said that agriculture and commerce are handmaids to each other. Indeed their interests are strongly and durably interwoven. Commerce has a direct tendency to raise the price of the product of the farmer's labor, by seeking in every part of the world the best markets for our articles of export, and by bringing back and scattering though the country that circulating medium, which cherishes industry, and sweetens the toils of the laborer. If we had not an active commerce among our own citizens, it is evident that foreign merchants and nations only, would be enriched by the profits of our agriculture, would convert us into mere diggers of the soil for their benefit, and would thereby gain the means of insulting and degrading us more abundantly. The price of our produce will lessen in the proportion that we curtail the means of transporting it to the best foreign markets, and the means will assuredly be curtailed if we withdraw our protection from the enterprise of our citizens upon the ocean. Declare to foreign nations that the active commerce of this country meets no longer the fostering care of Government, and you will soon hear of their tenfold insolence upon the seas; and our vessels, frowned from the enjoyment of their rights there, will find an asylum in our harbors only, where they will be left to rot. The produce of our country must share a similar fate, unless we consent to dispose of it to foreign merchants and speculators, at any price they may please to offer for it. But what is not less important, if we have a regard for morals and happiness, a horrid picture here presents itself; that moment you stagnate the vent of your grain, an extensive inland country will be inundated with whiskey and the destructive vices which flow from the free use of it.

Although important, this is far from being the most important view which may be taken of this subject. It is a conceded point, that our Government must by some means or other have revenue. The greatest statesmen and patriots of this country, have united, I believe, in considering commerce as our most fruitful source of revenue and riches. It presents a mode of fiscal exaction, the most in union with the spirit and feelings as well as the interests of the American people—that of indirect taxation. By this mode the consumers of articles of foreign growth and manufacture, contribute freely and copiously to the support of our Government, and to that fund which is destined to the payment of the national debt, and this too without feeling in a great degree the weight of the contribution. But the moment, sir, we give up this source of revenue, or expose it to the cupidity and rapacity of foreign Powers, a resort to modes of taxation less congenial with the spirit of freedom must be inevitable. Let those who are for giving up this, look about and see what other sources of revenue our country can furnish. Experience, that mother of wisdom, has already instructed us, that excise laws are too odious in many parts of our country, to be borne; indeed this source of revenue would at best be trifling. Personal property is of a nature too occult and too liable to shift and change to become a safe and permanent source of revenue. The sale of the public lands, relied on by some, is an expedient which on many accounts will be slow and inefficient; but if the sentiment prevails of leaving commerce to take care of itself, and my notions are correct that such a measure will paralyze the industry of the farmer, it may very justly be doubted, whether our wild lands will meet with a ready market. What then, I

would ask, remains, but a land tax, to supply a fund to meet the necessary calls of our Government; a tax so odious in many parts of our country, as to be one of the powerful causes of the overthrow of one Administration, and if again resorted to, may possibly produce the destruction of another.

Should considerations like these, thoroughly pursued, prove insufficient to convince gentlemen that the commerce of this country is worthy to be shielded by her protecting arm, I may despair of doing it perhaps, by any further arguments within my power to adduce. But it is certainly deserving the remembrance of this honorable body, that our Government, by the course it has taken, has long since pledged itself to support the rights and interests of our merchants upon the ocean. Aside of the immense revenues drawn from their enterprise and industry, we may consider the measures alone, adopted by our Government, to protect and guarantee their interests, by compacts with foreign nations and armaments for their defence, as having the direct effect of luring them to embark their property upon the seas with the most implicit security, and with almost a certain assurance that this protection should be continued. In short, I do not see how it can be denied that these privileges are as much entitled to the protection of Government, as those, equally, though not more sacred, which are enjoyed by our fellow-citizens upon land. To relinquish any of them would be taking a step towards a dastardly abandonment of our independence as a nation—and would be announcing to every people on earth, that we have become so tame and submissive that we are willing to be converted into simple tools and instruments for their use and profit, and to desert the defence of our own sacred rights. Whatever course policy or wisdom might have dictated to this nation *a priori* respecting commerce, it is evidently too late now to retrace our steps; nay, we cannot do it, short of treachery towards the mercantile interest, and without rendering ourselves a subject of derision and contempt to all Europe. If we shrink on the present occasion from that bold and energetic course which the times seem to call for, what a respectable figure we shall cut in history! This will be our story:—"The American nation, finding her commerce in the Mediterranean pestered by the petty barbarous Powers surrounding that sea, blustered and talked manfully like Bobadil in the play. Now this hero was invincible, or he would not have talked so valiantly. 'Twenty more—kill them! Twenty more—kill them too!' But the moment their rights upon the ocean were assailed by a nation at once respectable and powerful, they meanly shrunk from the contest, and in vain did their admired Executive endeavor to rally the representatives of the people, in support of the firm and dignified measures which he recommended."

If therefore it is clear, as I trust it is, that commerce is the great supporter of agriculture—that it is at the same time the most rational and most prolific source of revenue and riches to our country, and if, in addition to this, Government has pledged itself to a vast body of respectable citizens, in every part of the United States, to protect their property legally employed in commerce—to say that this commerce shall now be left to take care of itself—of all the insulting mockeries ever offered to this nation, this appears to me the most insulting. But with many, and I do not suffer myself to doubt, with a great majority of this Committee, this question may be considered as at rest. Commerce is worthy of our protection. Our natural situation, and the laudable enterprise of our citizens, which leads them into every sea and to every land, have made it ours, and we cannot abandon it without being guilty of the most palpable folly.

Should any gentleman here really believe, notwithstanding the volumes of evidence which have loaded our tables to the contrary, that our commercial rights have not been injured or insulted by the British nation, I confess I should feel myself at a loss how to address him. If he will discredit what all our merchants, all our statesmen, and the best writers upon the law of nations declare to be true, I should consider him as irrecoverably lost in the region of doubts, where I should be disposed to leave him in the undisturbed enjoyment of his own gloomy imagination. Indeed, so clear does this subject appear to me, that I fear it would be wasting time even to state a grievance so well known to all. Great Britain has for many years styled herself mistress of the ocean. And in truth it cannot be denied that she has erected upon that element a colossus of power which overlooks and would overawe all the nations on the globe. "Rule Britannia" is an old song of her singing; and I have somewhere read that the ballads of a nation go far to portray, if not to form the spirit and propensities of a people. Consequently, jealous of every other commercial nation, this haughty queen would naturally endeavor to suppress the rapid and lofty soaring of the American Eagle. This jealousy has of course given rise to those principles which she attempts to interpolate into the laws of nations, and of which we now complain; such as—that a trade opened to neutrals by a nation at war, on account of the war, is unlawful;—that a vessel on her return voyage is liable to capture, on account of having carried, on her outward voyage, contraband articles to an enemy's port. To these may be added the right which she daringly assumes and cruelly executes, of impressing persons from American bottoms, sailing under the American flag upon the high seas; and other principles not less important though totally destitute of any legal or equitable foundation, and against which this nation ought to lift up her hands to Heaven by way of solemn protest. And what is alarming to all reflecting men is, that the courts of Great Britain, which have hitherto stood high in the estimation of all civilized nations for integrity, and for legal and political knowledge, have been found of late servile enough to attempt to weave into the code of nations, any principles which have been recommended by that Government as favorable to her interests. Now, it appears to me, sir, that the

question is not so much, whether we shall surrender to that nation those particular branches of the carrying trade, which have given rise to our disputes with her, as whether we shall be allowed to retain any free commerce upon the ocean at all. For all must see, that although that nation is slow and cautious in its progress to absolute maritime sovereignty, yet, her strides are firm and determined; and nothing is more certain than this, that whatever rights we resign with tame submission are gone forever. It is alarming to hear it said, as it has been upon this floor, with a kind of triumph, What! shall we quarrel with a powerful nation for so trifling an object as the carrying trade? Such blindness is to me astonishing. That nation and her courts have not till lately insisted, with any hope of establishing, upon the principles now contended for. It is now an experiment only. She will either advance or recede, according to the spirit with which we meet her usurpations. This is only one step in the ladder, and this ladder reaches around the globe. A nation which makes convenience and power the only rule of right and justice, will find no end to her pretensions. To-day she finds it convenient to prohibit our carrying the surplus colonial produce in our markets to foreign countries; to-morrow she will find it convenient to prohibit the carriage of our own produce, in our own bottoms, to foreign markets; and she always has power to enforce the dictates of her convenience. No, sir, I would not surrender one single right which our interest and honor call upon us to defend: and more especially, if by receding one step, we jeopardize all the fair features of our commerce, let us boldly contend for every vestige.

This I hope and trust we shall attempt to do, by every means which God and Nature have so abundantly placed in our power—means, which, if applied with firmness and energy, will doubtless produce the desired effect. But what are these means is the question. The proposition now under consideration, or something similar in principle, meets, I am told, the approbation of our greatest and wisest statesmen. Those in this House who will take a calm survey of our situation, I am strong in the belief, will also approve this measure, or one not much unlike it. The wisdom and penetration of the British Cabinet will soon perceive, that such a measure, if adopted, is calculated to raise up among them at home and in the West Indies, a host of hungry and clamorous advocates for rights, and they will soon see the policy, if not the necessity, of treating us with justice. But without taking some step which discovers firmness and decision on our part, I would ask, what privilege we can expect to preserve, except that alone which is seldom denied to the weak and contemptible, the privilege of being plundered and insulted without reserve? To talk of offensive war is unnecessary, it is childish. The weapons within our reach are not at present warlike, though capable of wounding deeply. Some, however, are of opinion that this measure will lead to war. I think differently. It will, in my opinion, preserve peace and our commerce at the same time. We have a right surely to say to any nation that injures and offends us, that we will stop all intercourse with her, until she consents to do us justice.

But this project is to lead to measures of defence, and to a loss of revenue! This in a degree is true. And with those who weigh national rights and honor in the same scales with dollars and cents, this may prove an insurmountable objection. But I have calculated, that our ports and harbors will not be left in their present exposed situation, even though this measure should not be adopted. I hope at any rate that we shall find patriotism enough here to preserve us from this national disgrace. As to a loss of revenue, it will be but temporary. But our economical system forbids even this loss! Shall we suffer ourseves to be seduced by this plausible and popular, this sacred word "economy?" I love economy as much as anybody: But let us remember the object of this measure. Shall we, for fear of losing a few millions of dollars devoted to the Sinking Fund, jeopardize that Sinking Fund itself? Those who are solicitious, and none can be more solicitious than myself, to pay the national debt, will prove themselves willing, I hope, to pursue the means, and the only rational means of doing it. Let economy be embraced as far as it can be, in consonance with honor and safety. This is true economy. Another sort may be popular, but I pronounce it dangerous.

I do not pretend to have entered into a detailed account of the loss or gain of revenue, which will follow the adoption of this measure. It would be difficult to do it with accuracy, and, viewing the subject as I have done, it is unnecessary. It is sufficient for me to know that the loss will be but temporary, and such as we can bear, and that the gain will be durable and honorable to our country. With respect to the various resolutions laid upon our table, relative to this subject, I have some difficulty in deciding which I would prefer. Those which affect specific articles, by laying a duty upon them, are not clear of difficulties. You cannot make a selection without materially affecting certain sections of the Union. The resolution now under discusssion cuts deep, but I think it deserves a preference.

It is unfortunate, sir, that any gentleman upon this floor should attempt to raise up distinctions among our citizens, or to hold up to the odium of the community a class of men so numerous and respectable as that of our merchants. If mercantile men are avaricious, agricultural gentlemen, I take it, are not totally destitute of greediness. They both labor, no doubt, to preserve their profits, and the honorable gentleman from Virginia himself told us, the other day, that he had not yet sold his tobacco.

Mr. Masters.—I shall not deny that Great Britain has insulted us by impressing our seamen, neither shall I deny that that nation has committed wanton aggressions and depredations on our commerce, and that commerce ought to be protected. That the resolution under consideration is the best course to be pursued for the interest of this nation, I shall contend against.

Restraints and prohibitions between nations have always arisen from two circumstances—the first, to promote their home industry or manufactures. The liberal price of wages, joined with the plenty and cheapness of land, which induces the laborer to quit his employer and become planter or farmer himself, who rewards with the same liberality which induces his laborers to leave their employment for the same reasons as the first: therefore, it is impossible for manufactures to flourish in this country in our present situation.

The case in most other countries is very different, where the price of labor is low, and the rent and the profit consume the wages of the laborer, and the higher order of people oppress the inferior, which I hope never to see in this country.

It may rationally be calculated that some of the Eastern and Middle States will eventually become manufacturing States; some of those States are nearly filled with people, and many individuals have large capitals employed in foreign commerce, to the amount in many instances of two and three hundred thousand dollars each. When peace takes place in Europe, and things come down to their natural standard, and they can no longer employ that capital to advantage in commercial speculations, they will withdraw the same from that employment; they must make use of those capitals somewhere; they cannot vest them to any advantage in our public funds, bank stock or other corporations, beyond a certain extent; they therefore, by the aid of water-works and machinery, will naturally employ those capitals in manufactures, and I trust the time is not many years distant. That is not now the case, and can have no bearing on the present question; indeed it is hardly contended that the resolution is brought forward for that purpose; it must therefore be brought forward for some other purpose.

The other circumstance, which gives rise to prohibitions between nations, arises from the violence of national animosity, which generally ends in war. This circumstance has brought this resolution into existence; the preamble speaks warlike language, and the whole taken together is a prelude to war with a nation who has two hundred ships-of-the-line, four hundred frigates, besides gun-brigs and other armed vessels, whose revenue is between forty and fifty millions sterling, who can go to war with us without any additional expense to themselves, who will sweep the ocean of American commerce, amounting to nearly one hundred million of dollars. What then will be the situation of your carrying trade? What then will be the situation of your commerce and your country?

But the honorable gentleman from Massachusetts (Mr. CROWNINSHIELD) has told us "if we go to war, we can do Great Britain the most injury." The navigation of their merchant vessels is principally carried on under convoy. Some individuals may fit out a few privateers and capture now and then a vessel, and put some prize money in their private pockets; it cannot be of any advantage to the nation, which will groan under poverty and distress.

It appears to me a matter of great deliberation how far we ought to adopt the present resolution, by prohibiting the importation of British manufactures. In every country it ever was, and always must be, the interest of the great body of the people to buy whatever they want, of those who sell it cheapest. We cannot procure the same articles so cheap elsewhere; even should the measure not involve us in a war, prohibitions and revenge naturally dictate retaliation, and nations seldom fail to do it. The honorable mover of the resolution (Mr. GREGG) asks us, "how it is to be inferred, we cannot abide by and execute this system?" It is to be inferred from retaliation, and observation of nations who have preceded us. When France, in 1667, laid discriminating duties on Holland, the Dutch retaliated by the prohibition of French wines, brandies, and the like: a war followed, and the peace of Nimeguen regulated their commercial disputes. About that time the English prohibited the importation of lace manufactured in Flanders; the Government of that country, which was then under the dominion of Spain, immediately retaliated and prohibited all importation of English woollens. Soon after this, the French and English mutually began their heavy duties and prohibitions, and have ever since been in commercial disputes, quarrels, and hostilities; and we, with our eyes open, are now going into the same system. The same honorable gentleman has also said it would attack Great Britain in her vitals, in her manufactories and warehouses. It seems a bad method of compensating injuries done to us, to do another worse injury to ourselves, which I believe will be the case by adopting the present resolution; it will have a natural tendency to retaliation and revenge.

It is very problematical whether the carrying trade is advantageous to this nation. Our merchants in that employ transporting foreign produce from Batavia and the West Indies to the United States, and storing the cargoes for some time in warehouses and reshipping the same to Holland, the Hanse Towns, Antwerp in French Flanders, and other ports; and in some instances taking the avails of those cargoes, and proceeding to China, from whence they return with teas; in other instances proceed to England and lay out the avails in British goods; and then making circuitous voyages of two and three years, with those large capitals out of our country, and before they can release those cargoes so as to purchase our domestic produce.

My worthy colleague from New York, who has just sat down, (Mr. WILLIAMS,) has observed, "that commerce is essential to this country, and agriculture naturally goes with it;" this proposition, taken abstractedly, I shall not deny; and then asks us, "where is the revenue to support Government?" I will answer that gentleman, by asking him the same question, Where is the revenue to support Government, when nearly one half of that revenue is derived from Great Britain and her dependencies? I would ask that gentleman

where is to be the market for 25,000,000 weight of cotton annually exported, (it is not to be presumed they will not retaliate in every particular;) where is to be the market for your tobacco, potashes, flaxseed, provisions, and other domestic produce, exported from this country to Great Britain, the British East and West Indies, and Newfoundland, to the annual value of between 20 and $30,000,000? Rely on it, if you adopt this measure, you will embarrass all the operations of Government, all the operations of the community, and must have re course to direct taxation on the farmer, who will be unable to pay, for the want of a price for his produce; your merchants become bankrupts and you distress the agriculturists.

The same honorable gentleman from Pennsylvania has further observed, "it will be such a shock upon Great Britain, she will not be able to endure it." Let that gentleman reflect on the wealth and maritime power of that country. Ever since my memory, the approaching ruin of Great Britain has been frequently foretold; after all the vain attempts, they yet regulate the commerce of the world. I must confess I have but little faith in undertaking commercial regulations with that nation, and I believe we shall show a very pretty figure in the attempt, and be obliged to recede with disgrace, and I cannot vote for the present resolution.

Mr. Smilie.—I am in favor, Mr. Chairman, of the resolution under consideration; and lest it should be supposed I am an enthusiast in respect to commerce, and deserve to be classed among that desperate order of men called merchants, according to the representation which we have had yesterday from the gentleman from Virginia, I beg leave to make a few remarks on the abstract question, whether commerce ought to be considered as beneficial in its relation to the United States. I have long thought that there is an essential difference between what is, in the common language of the world, a splendid, and great, and a happy people. I have been led to think that the situation of the people of the United States, separated from the rest of the world by an ocean of three thousand miles, possessing an immense region of land, having full employment for all her people in the cultivation of the earth—having, from the variety of her climate and the difference of her soil, the means of supplying herself, not only with all the necessaries of life in abundance, but with many of its comforts, and even some of its luxuries—from these considerations, I have been led to think it had been happier if the American people, when they became an independent nation, had found themselves without commerce, and had still remained so. Thus circumstanced, they would certainly have avoided those dangers which flow from the weakness of an extended trade, and those luxuries which have hitherto proved so fatal to morals, happiness, and liberty. In my opinion, we should have been a happier people without commerce. Among the considerations which have induced me to believe that this would have been a happy state, is, that we should have enjoyed a perfect state of safety. We should not have been under the necessity of conflicting with foreign nations; because commerce, and commerce alone, can produce those conflicts. I have expressed this opinion, to show that I have not been led by any particular attachment to commerce, to take that part which I have declared I would do on the present occasion. But what was the situation of the American people when they first found themselves a nation? And what are the duties imposed upon us by the compact we entered into? As to any abstract opinions we may entertain on this subject, they ought to have no influence here upon us. I stand *here* on other ground, and dare not resist the dictates of duty. I was astonished yesterday to hear it mentioned by the gentleman from Virginia, (Mr. J. Randolph,) and boldly asserted, referring to the Constitution, that the American Government was under no obligation to protect any property of its citizens one foot from the shore. I was astonished at this declaration, because I could see to what it went. I saw, if this was the opinion of the Southern States, where it would end. The situation of this people, when they became a nation, was this: The Eastern States might properly be said to be a commercial people, as they lived by commerce; the Middle States were partly commercial and partly agricultural; the Southern States, properly speaking, were agricultural. This opposition of character must have created great difficulty in forming the Constitution, and, in truth, this and other points threw great obstacles in the way of its formation. But a spirit of concession overcame all difficulties. Is it, however, to be believed, that the Eastern States, properly commercial, or the Middle, partaking equally of the commercial and agricultural character, would have united with the Southern States, if they had been told that commerce was to receive no protection? No, sir, it cannot be believed. But I take higher ground—the compact itself, referred to by the gentleman from Virginia. Let us examine the powers vested in Congress under this compact, and decide whether commerce was, or was not intended to be protected. If there was nothing specific in these powers, the first page would show the intention of its framers. "We, the people of the Uni-'ted States, in order to form a more perfect union, 'establish justice, insure domestic tranquillity, 'provide for the common defence, promote the 'general welfare," &c. If we go on to the tenth page, we shall there find the power given to Congress, "to provide and maintain a navy." Is the protection of commerce contemplated here, or is it not? In other parts of the instrument, we perceive the power to regulate commerce vested in Congress. Will any man pretend to say that the power of establishing a navy can be exercised independent of commerce? Every man of common sense knows that a navy cannot even exist without it.

Having sufficiently established the right of commerce to protection under under the Constitution, I come now to consider the resolution under consideration. We find our rights invaded by foreign nations, and an attack made by one nation on our

carrying trade, which, in my opinion, cannot be warranted by the law of nations. I shall not condescend to argue this point. I believe it to be a lawful trade, let whoever may deny it. I have taken some pains to make myself acquainted with the subject, by reading several treatises upon it; and, notwithstanding the contempt with which a certain book was yesterday treated by the gentleman from Virginia, I will venture to predict that, when the mortal part of that gentleman and myself shall be in ashes, the author of that work will be considered a great man. Nor do I judge in this exclusively from my own opinion, but from the opinions of men of distinguished talents, from different and distant parts of the Union, who all concur in saying that the writer has conclusively established the principle he contends for. Indeed, I could not have believed, had I not heard it, that a Representative of the American people, in the face of the Legislature, would have relinquished so precious a principle! But there was a curious feature in all the luminous discoveries yesterday disclosed to us by the gentleman from Virginia, in which he strictly observed the rule of the rhetorician—where a point could not be justified, to get over it as well as he could. On the impressment of our seamen, he said nothing. He knew that the American feelings would not bear it. When I think of what is called the carrying trade, I consider it a small evil compared to this. It has been compared to Algerine slavery, but it is worse. What is this impressment? Your citizens are seized by the hand of violence. and if they refuse to fight the battles of those who thus lay violent hands upon them, you see them hanging at the yard-arm. In the first place, they are obliged to expose their persons to murder, in fighting the battles of a nation to which they owe no allegiance. They are obliged to commit murder, for it is murder to take away the life of a man who has given us no offence, at the same time that they expose their own persons to the commission of murder. This is the true point of light in which I have always considered this horrid and barbarous act, for which, indeed, I cannot find language sufficiently strong to express the indignation I feel. This is the situation of our country. Our commerce depredated upon in every sea, our citizens dragged from their homes, and despoiled of all they hold dear. We are told we are not to mind these things—that the nation who commits the outrages is a powerful nation. But really, as an American, I cannot feel the force of this observation.

The gentleman from Virginia yesterday assumed it as a principle, and the whole of his argument turned on it, that this is a war measure, and that its friends are for going to war. Were I satisfied with the truth of this remark, I should change my mind with regard to the resolution. But is it a war measure? I believe the same duties and obligations exist between nations as between individuals in a state of nature. If my neighbor treats me with injustice, I have a right to decline all intercourse with him, without giving him a right to knock me down. If we deem it our interest not to trade with a particular nation, have we not a right to say so?—a nation with whom we have no commercial treaty, and towards whom, therefore, in regard to trade, we have a right to act as we please? If a commercial treaty existed between us, it would be our duty to observe it; but, without one, we have an undoubted right to say whether we have or have not a use for her productions. If, then, this be a peace measure, why treat it as a war measure? But it is said that it will lead to war. Britain is said to be a great nation, high spirited, and proud, and therefore we must not take this step for fear of the consequences. Trace this argument—see where it leads us. It leads us to this: That, with a powerful nation, we must on no account whatever quarrel, though she may commit ever so many aggressions on our right. No, we must not, let her go whatever length she may, until, on this same principle, we shall be called upon to surrender our independence, because we have to deal with a powerful nation! If we do not make a stand now against her aggressions, when or where shall we do it? But one alternative will remain—to bend our necks, to crouch beneath the tyrant, to submit without murmur to her insolence and injustice.

It is surprising to me to see this resolution scouted by gentlemen, when this same measure has ever been considered as the most proper instrument with which to contend with Great Britain. If we look back to the times of the stamp act, we will see that this was then the opinion of the American people. Voluntarily associating themselves together, they cheerfully and unhesitatingly, as the means of obtaining redress, relinquished the luxuries, and even the necessaries of life drawn from Great Britain. These associations were voluntary, as, from the situation of the colonies, they could not be otherwise. And it is remarkable that Great Britain did not consider this a cause of war, though the people of this country were then her subjects. Coming down to later times, and approaching the period of our national independence, the same measure was resorted to, and considered an effectual expedient to obtain redress of our grievances. In 1776, what was the sense of the people of England on this subject? and how did they feel the effects of the non-importation agreement of the colonists? Let them speak for themselves.

"There scarce was ever any affair debated in a British Parliament in which the public thought themselves more deeply interested, or for the result of which they felt a more impatient anxiety than the present, nor was the rest of Europe, especially the commercial part, inattentive to the event.

"The second speech from the throne, as well as the first, pointed out the American affairs to the Parliament as the principal object of its deliberations: both Houses, by their addresses, showed that they looked upon them in the same important light.

"Petitions were received from the merchants of London, Bristol, Lancaster, Liverpool, Hull, Glasgow, &c., and, indeed, from most of the trading and manufacturing towns and boroughs in the Kingdom. In these petitions, they set forth the great decay of their trade, owing to the new laws and regulations made for Ame-

rica. The vast quantity of our manufactures, (beides those articles imported from abroad, which were purchased either with our own manufactures, or with the produce of our colonies,) which the American trade formerly took off our hands; by all which, many thousand manufacturers, seamen, and laborers, had been employed, to the very great and increasing benefit of the nation. That, in return for these exports, the petitioners had received from the colonies, rice, indigo, tobacco, naval stores, oil, whale fins, furs, and lately potash, with other staple commodities, besides a large balance in remittances, by bills of exchange and bullion, obtained by the colonists for articles of their produce, not required for British market, and therefore exported to other places.

"That, from the nature of this trade, consisting of British manufactures exported, and of the import of raw materials from America, many of them used in our manufactures, and all of them tending to lessen our dependence on neighboring States, it must be deemed of the highest importance in the commercial system of this nation, that this commerce, so beneficial to the State, and so necessary for the support of multitudes, then lay under such difficulties and discouragements, that nothing less than its utter ruin was apprehended, without the immediate interposition of Parliament."

"At the conclusion of our last volume, we saw the nation involved in the most distressful circumstances that could well be imagined; our manufactures at a stand, commerce almost totally annihilated, provisions extravagantly dear, and a numerous populace unemployed, without the means of procuring a livelihood. Such, and so gloomy, was the prospect that opened at home."—*Vol. ix. Ann. Reg.*

Down to the beginning of the American war, this was uniformly considered as the most powerful instrument in our hands to oblige Britain to do us justice. Since that time, it will be found that the same sentiment has been expressed by the House of Representatives of the United States. By a recurrence to the Journals it will be seen that, on the 21st of April, 1794, this resolution was adopted:

"*Whereas*, The injuries which have been suffered, and may be suffered, by the United States, from violations committed by Great Britain, on their neutral rights and commercial interests, as well as from her failure to execute the seventh article of the Treaty of Peace, render it expedient for the interests of the United States that the commercial intercourse between the two countries should not continue to be carried on in the extent at present allowed:

"*Resolved*, That, from and after the first day of November next, all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited."

This resolution was decided by yeas and nays, and I find there were for it 58 yeas, and against it 38 nays. Among those who voted in favor of it, I find my own name, associated with the names of men with whom it has always been my pride and pleasure to act. And among these, I find the name of a Madison, a Baldwin, a Nicholas, a Clark, a Venable, a Blount, and a Macon. It will be seen, too, that this resolution went much further than that which is now proposed—that it went to the length of prohibiting all intercourse, while the present resolution is confined to prohibiting imports, and does not apply at all to our exports.

With regard to the effect of this measure upon the revenue, I believe it will have such an effect, to a certain degree, but I am far from believing it will be to the amount talked of. I have no doubt that we will obtain from other countries what will suffice for our wants, without applying to Great Britain. But suppose there should be a greater deficiency in our revenue, and suppose we shall not get from other countries all the articles we want; are we to compare these privations with the sacrifice of our rights as a nation? I, for one, am of the opinion, that if we were not to consume half the luxuries, and many of the conveniences at present imported, we should be as happy as we now are. This would have one excellent effect—it would revive that spirit of industry which our large importations, so far as relates to family manufactures, have almost annihilated. I cannot see what is to prevent every family among us manufacturing what is necessary for their own wear. It is true, we might want the fine clothes we wear, and our wives be deprived of their silk gowns, but would this diminish our happiness? Are such privations to be put into competition with the preservation of our rights? I hope there still remains too much of that ancient virtue which once glowed in the American breast to consider this as an evil. I confess I was exceedingly surprised yesterday, to hear my colleague, (Mr. J. CLAY,) coming from one of the first commercial cities in the Union, expressing his despair of the virtue of the American people—expressing the opinion that our people could not hold out six or eight months against such a measure. Is it possible that such an idea can be correct? Is it possible that a few years have wrought such a change in the character of a people famed for their virtue, and distinguished for the sacrifices they have made? Is it possible that luxury has made such inroads upon us, that all our ancient virtue is gone? I, for one, cannot but believe, that, if the American people are placed in the same situation, they will not shrink from danger. I shall be reluctantly obliged to believe so. I think better of them. I have seen them true to themselves in worse times than these, and I never have yet seen them, in any times, flinch from a performance of their duty.

Another expression of my colleague also surprised me. He said this measure would, in the opinion of every man, justify retaliation. This is pronouncing it a war measure, unless by retaliation he means commercial retaliation. If he means retaliation by means of fleets and armies, it is a most strange opinion, as there is not a feature in the resolution that points to war.

In order to get rid of the effect of the opinion expressed by the Legislature in 1794, the gentleman assigns a most extraordinary reason. He tells you at that time there was such an enthusiasm and attachment to the French nation, that the American people were ready to draw their swords in her favor. I am sure, however, that, by a ret-

rospect of the opinions which at that time prevailed in the city, where that gentleman as well as myself resided, he will perceive the incorrectness of his remark. I never yet met with any man who thought we would be justified in interfering in the contest of France with the despots of Europe. The enthusiasm felt for France I well remember. We considered her as contending for the rights of human nature, and our wishes were ardent for her success. Another circumstance heightened these feelings: we recollected the services she had rendered us in times of distress. But, with regard to entering into the war in her favor, I never knew a man, who I could say was in his senses, for it. This, therefore, could have no effect in carrying the resolution I have just read.

The gentleman from Virginia has told us, that, in adopting this measure, we shall be goaded by commercial interest into a contest with Britain on the seas. For one, I hope we shall have no war. I view this measure as a peaceable measure, and entertain great hopes that it will have the effect we wish. When we consider the situation of Britain, we may be confident that she will not wish to increase the number of her enemies, and it will surely be good policy in her to avoid taking that ground which will have this effect.

But the gentleman from Virginia tells us that the situation of England is different from what it was in 1793. Agreed; but that change is in our favor. Great Britain has at present her hands so full, that she will not wish to increase her enemies. The events of the present contest are extremely uncertain. If the Emperor of France shall prove successful, and make a peace on the continent, to the exclusion of Great Britain, he will undoubtedly shut out British manufactures from every part of Europe. The present, therefore, is the most favorable time for pursuing our measures.

The gentleman also inquires, what will England say of our conduct to Spain? He laments that his lips on this subject are closed. I too lament that mine are closed. I wish to God that every word said while our doors were closed, and that every measure entered into, were known to every man, woman, and child, in America. I shall not on this occasion say more, but to express the hope that the day is not distant when the gentleman's statements will be rectified by a complete disclosure.

The same gentleman has avowed his hostility to a certain nation, and he is willing to go to war with her, because he considers her feeble, and because she has been guilty of aggressions on our rights. Mighty aggression! Which is nothing more than what happened the other day at Detroit, where certain British officers seized a man, with the view of carrying him over the line. I hope such trivial things, the offspring of accident or personal resentment, will never be considered by us cause of war. I hope the American people will never go to war when they can avoid it without a sacrifice of honor or justice. For my part I cannot see what this measure has to do with our affairs with Spain. Have we not a right to manage those affairs independent of England? Have we got to this, that we are to consider England as a party to our transactions with other nations? In our affairs with Spain, we are doing England no injury, and she has no right to interfere with the exercise of our rights as an independent nation.

The gentleman asks will it be politic to strengthen the hands of France, to invigorate the power that threatens the subjugation of the world? How this topic has been brought into view, I cannot tell. I have no predilection to France. I have no attachment to any country but the one in which I live. I am willing to do justice to all nations, and to require it from all. But suppose Bonaparte should succeed in the conquest of Europe? It will be a long time before it can be effected; and if effected, it will be found that a fleet is not the work of a day. It will be found to be the work of years, and years of peace too, before he can possess sufficient ships and seamen to destroy the British navy. And what are the dreadful terrors of the French Government? There appears at the head of her affairs a man who transcends in talents and ambition the other potentates of Europe. But is there anything permanent in this? Much; everything may depend on his brittle life. On his fall, she may become as feeble as she ever was before. The nation we ought to fear, according to the gentleman from Virginia, is not that which has the actual command of the sea. No, the gentleman is not afraid of her, but of the nation which may have the command of it hereafter. I should regret to see any nation of Europe blotted out of existence. I hope that Bonaparte will never conquer England, or England conquer France. But I cannot attach much importance to distant, while I am menaced by present dangers.

The gentleman has also portrayed the great danger to the Constitution from war. I agree with him. I too deprecate war. I consider it one of the worst evils that can befall mankind. But as I have already shown that this is not a war, but a peace measure, his remarks do not apply. I know that war is attended by numerous evils, that it not only exhausts our blood and treasure, but that it has a still more fatal effect on our manners. Still am I not willing to prostrate the dignity, the interest, and the honor of my country, even if war should be the consequence.

The gentleman has also sounded an alarm among us because this is not a measure of the Cabinet. That gentleman, however, knows full well that any member on this floor, without even consulting any of his fellow members, much less the Cabinet, has a right to bring forward any resolution he pleases. But he said at the same time there was no Cabinet. How then could he expect us to consult the Cabinet, when no such thing exists? My friend, who offered this resolution, showed it to me before he presented it. I concurred in it, and I now advocate it, because I think it right, and the gentleman will not deny that every gentleman on this floor has equal rights.

The gentleman has also told us that France in 1793 was doing what England now does, that she

was fighting the battles of the world. For my part I do not believe the world is indebted to either of those nations, much less do I believe that we are. But this same England can do wonders; and it seems we are not to contend for our rights with her, lest she should get out of humor with us. I know the power of the English fleet, and I know we cannot contend with it. Debauched, however, as her Government is, I do not believe she will go to war with us; but if she does not, it will not be owing to the caution we have observed in discussing this subject. Of this nation, thus represented as fighting the battles of the world, I may perhaps have formed a wrong opinion, in the estimate I have formed of her humanity and justice. Go to the East Indies; throw your eyes on Africa; look back on the American Revolution, and talk of her humanity! Applaud her for justice, when there is not a nation on earth at this day so much disposed to be hostile to us! Sir, she will never forgive us for having achieved our independence. Her hostility is invigorated by another circumstance. She is the first trading nation in the world—we are the second. We interfere with her aggrandizement, and she has determined to crush us. She is proceeding step by step in the work of destruction, and if we are so pusillanimous as to submit, she will push on to our ruin and disgrace. The gentleman has told us that if we aid any Power, in her efforts to destroy Britain, we shall endanger ourselves. Indeed, sir, so many evidences of the friendship of this nation are brought before us, that it only wants experience to believe them.

We are told by the same gentleman, that France will do us the honor only to make us the last nation she devours. Why all this clamor about France, when she is not injuring us, while we are so tame to other nations who are violating our dearest rights? I trust we shall know how to respect ourselves with whatever nation we have to deal, and if France acts to us as England has done, that we will treat her as we are now for treating England. But till this time arrives these remarks are misapplied.

I come now to reply to one thing said by the gentleman from Virginia, which I am very sorry I am under the necessity of doing. The fate of this country is placed in irresponsible hands. Tom, Dick, and Harry, ought to be put into straight waistcoats! Whether this language is consistent with the respect due to this House, or to this nation, I leave the gentleman to judge for himself. I will grant that that gentleman has a right to the exercise of his opinion on all political subjects. I will even allow that he has a mind more luminous than belongs to most men. But I will also say, that the rights which he claims for himself he ought to allow to his fellow members. If I entertain an opinion which is wrong, and any man can convince me it is so, I am ready to acknowledge it; but how comes the gentleman to represent all the members on this floor as a set of fools? Why, sir, if I were to pretend to say that John Locke was a fool, that Milton was a bad poet, that Bacon was a miserable lawyer, whatever my intention might be, I should not derogate from their characters. I believe this will be the case with the members of this House, and that the character of no man in it will be affected by his charge. I can look through this body and see many of my fellow members, whose voice is never heard on this floor, on whose judgment I can place as high a reliance, as on those whose talents are the most conspicuously displayed. I beg the Committee will excuse me for the large portion of their time I have consumed on points so little connected with the question under consideration. I will conclude what I have at present to say, reserving to myself the right of making some additional remarks before the question is taken.

Mr. JOHN RANDOLPH.—Mr. Chairman, I did expect, on coming into the House this morning, that the friends of the resolution under discussion would have brought forward some arguments to show (what they had studiously avoided) that the ability to coerce Great Britain is within the compass of this nation's power; that this power ought now to be exerted, and that the proposed measure is equal to the desired effect. It behooves them to demonstrate all this, before they ask for our support. I did not come down to the House with the expectation of listening to a gross misrepresentation of my expressions yesterday, loose and desultory as I allow them to have been; much less was I prepared to hear such misrepresentations from the lips of aged men, whom I have treated with invariable and guarded respect; between whom and myself there has long existed a political friendship—real, on my part, apparent on theirs. I did not, indeed, expect to hear particular expressions, used by me in the ardor of debate, broken and culled from their connecting members, and mutilated and tortured into meanings which cold-blooded malice alone could have devised. Sir, in this way of proceeding (without intending any profane comparison) the Bible itself may be made to preach atheism, to declare that there is no God. "The fool saith in his heart there is no God." Taken together, it is inspired wisdom; dismember it, it is impiety.

It has not been denied, by any member on this floor, that the carrying trade, that the commerce and navigation of these States, ought to be protected. The only question is *quo modo*? Have you the ability to protect them by war, and are they of sufficient value to justify the expense of such protection? We say no; they cannot pay for so dear a defence, rich as they may be. But, above all, they cannot repay us for the loss of our Constitution. It is above all price. We go further—we affirm that trade is now protected by the most efficient means within our power—by discriminating duties, laid by the votes of Southern men; and yet, sir, we are threatened with schism, with a dissolution of the Union, if we do not adopt particular systems, devised by chance, begotten of ignorance or imbecility. Are these the mild and conciliatory plans and ideas of which gentlemen boast? Is this mildness? Is this conciliation? Is this peace? The gentleman from Pennsylvania, (Mr, SMILIE,) with a face of won-

drous importance, tells you that, by the Constitution, we have power to raise and maintain armies, to build and equip navies; from which he draws the inference that (under whatever circumstances, I suppose) we must actually do what the Constitution allows. And yet, that gentleman, in former times, voted with us against armies and navies! Let him justify himself, if he can, upon his new principles. I repeat it; if the unjust aggressions of a foreign nation, if indignity and insult abroad, are always to produce war, the gentleman was criminal in refusing to support the Administration in 1798. Yes, you were then compelled to drain the cup of humiliation to its very dregs. Did he put that cup by? Did he vote for fleets and armies, or a suspension of commercial intercourse with France? What was the French edition of the laws of nations then? That a bale of British manufacture (without any question of enemy's property) should subject to seizure and condemnation. And what was the British doctrine in 1793? That France was, with one sweep of the pen, in a state of siege and blockade, and that American flour, &c., should not be carried there at all. And yet, against these principles and practices, preposterous and injurious as they were, we did not go to war; at least that gentleman was opposed to such war, if war it may be called, as was waged.

But, whilst I acknowledge the carrying trade to be valuable to a certain extent, I must, unless I abandon every pretension to the character of a politician, act on existing circumstances, on things as they are, not as I believe they ought to be. In casting about, the first thing, or one of the first, to be considered, is revenue. Almost our whole revenue is derived from commerce, that is, from the domestic consumption of imports from abroad. How much comes from the carrying trade? Your statements, I am told, say $800,000. But if our whole consumption were imported in foreign bottoms, the impost would exceed its present amount by eleven or twelve hundred thousand dollars. I warn gentlemen against a misrepresentation of this fact. Am I, therefore, desirous to gain this increase at the expense of our navigation? Far from it. It would be to kill the goose that lays the golden eggs. But what is this branch of the carrying trade, for which gentlemen would sacrifice not only our navigation and commerce, but the agriculture and Constitution of the country? Look at this trade, which is to be guarded at every risk, and the men who follow it. Do they carry your products abroad, and bring back goods for home consumption? No, they plunge their hands into your pockets for drawbacks. During this very session they threatened to plunder the Treasury of millions, by a bill happily arrested on its passage. If our fair trade is not protected, how comes it that it has grown with a rapidity before unheard of in any age, unknown in any nation? That growth has been nourished by protecting duties, fostered by our neutral position. We are the real friends of your navigation. It has grown beneath the shade of discriminating duties; flourished in the sunshine of the neutral character; with the first blight of maritime war it dies.

I am accused too with stigmatizing the merchants of the United States. I deny the charge. Every profession and calling of human life is disgraced by unworthy members. The law has its pettifoggers, the church its hypocrites, medicine and politics, too, sir, have their empirics; and if there be two professions in the world, which can be selected for a tendency to develop the pre-existing germ of imperfection planted in our nature, they are the profession of the lawyer and the occupation of the trader. And wherefore? Because they open the wide field of temptation. The wisest prayer that ever was or can be devised for human infirmity, is that which teaches us to deprecate such trials: "We beseech thee, lead us not into temptation!" What is the fact? Whilst we boast of honor on this floor, our name has become a by-word among the nations. Europe, and Paris especially, swarms with pseudo-Americans, with Anglo and Gallo-Americans, and American French and English, who have amassed immense fortunes by trading in the neutral character, by setting it up to auction and selling to the best bidder. Men of this description, striplings, without connexions or character, have been known to buy rich vessels and their cargoes in Amsterdam and Antwerp, and trade with them, under the American name, to the Indies. Neutral character has constituted one of the best remittances for colonial produce, or the goods which purchase it; and the trade in this commodity of neutrality has proved a most lucrative branch of traffic. This it is that has sunk and degraded the American name abroad, and subjected the fair trader to vexatious seizure and detention. But I am asked if we shall submit to a tame and dastardly abandonment of our rights; and by those, too, who have made a cowardly surrender of our best interests and our honor, when we were well able to maintain them? I beg leave to reply to this question by asking another: Are you prepared to assert them; to go all lengths to enforce them? In what consists true dignity? In vaporing in the newspapers? In printed handbills and resolutions? Or in taking ground which you can and will maintain; which no change of fortune shall compel you to desert? *Aut nunquam tentes, aut perfice.* Does the gentleman want a translation? Here is one truly American: "Stick, or go through." This is true dignity; can he give a better definition? And what constitutes false dignity? Playing the part of a Bobadil—bullying England and truckling to Spain—I beg pardon, there is *no* Spain—bullying England and truckling to France. This you have done; you know it. When gentlemen tell us of their willingness to publish our proceedings, why do they not clear the galleries and take off the injunction of secrecy? Let their private vote correspond with their public profession. And let me tell the gentleman from Pennsylvania (Mr. SMILIE) that I would rather have his vote than his speech at any time. Who would suppose, had he not averred it, that he held silence and good sense in such high respect, that he pre-

ferred the calm decisions of quiet wisdom to the effusions of empty garrulity?

The gentleman from New York has told us, that after the call of the Executive for firm measures, he did not expect this opposition. And does he call this a firm measure? What would have been a firm measure? An embargo. That would have gone to the root of the evil. But that, sir, would not have suited your Proteus politicians. There could have been no evasion of that. But your slippery mercantile eels can slide over or under this provision, and leave the whole burden of suffering to fall on the planter, the farmer, and the real American. The whole revenue (we are told) is derived from commerce. Who pays it ultimately but the consumer, and with as large a profit on the merchant's advance of the duties (often a mere advance of credit) as he receives from any other part of his capital? These new ideas of firmness are either above or below my comprehension. And because we are anxious to see the public debt paid off and the true interests of the nation maintained —because we will not abandon the plough, and struggle to restrain Executive influence, we are charged with hostility to all commerce, with insensibility to the honor of our country. When our doors were shut, this is no breach of confidence. One of my colleagues called for the reading of a Message from the President, soon after he came into office. It was the most severe and cutting satire that ever man listened to. I say it was a bitter satire on your proceedings, then and now. It recommended the application of our resources to a speedy discharge of the public debt, a rigid adherence to specific appropriation—tying down the Executive officers to the letter of the law, restricting them to the literal objects and amount of our appropriations. What is the commentary? In time of peace (for I trust no one will call this wind mill attack on Tripoli, war) the expenditures of the Navy Department (so far from each item of expense being limited by the specific appropriation for that object) have exceeded the gross sum appropriated for that branch of the public service sixty per cent. And if this is a specimen of the yearly cost of hulks rotting in the mud, what estimate can you make of the disbursements in time of actual war against a powerful maritime State, when your seventy-fours are ready for sea? This is naked truth; it rests on figures. If it be not true, how comes it that we have passed two appropriation laws, to the amount of six hundred thousand dollars, during the present session, to cover the navy deficiencies of the last year, almost the only bills that we have passed? Yes, sir, I am for paying one debt off (the cost of a former war) before I enter into another and score up a second. I confess myself to be among the number of those politicians (gentlemen may style them visionary if they please) who hailed the President of the United States as the political Messiah, sent to convince an unbelieving world that a debt, once funded, might be paid off, without the intervention of a sponge. If in this I was visionary, at least I was not alone. The promise has been large, the nation calls for its performance. Look at the measures of the Government, and when you reckon the Louisiana debt, that created under the British Treaty, and some others, it will appear that you have nearly scored up as much new debt as you have paid off of the old. I speak of principal—paying the interest of a debt is not diminishing it—and my friend from Pennsylvania (Mr. CLAY) must have taken the interest into his large account of yesterday. The amount of principal redeemed is less than eighteen millions. If gentlemen deny this, let them refer to the Treasury statements laid before us at the opening of the session, or call upon the head of that department to state the amount of debt paid and created, within the last five years. But you will be told, for your money you have value received, at least. This I freely acknowledge. I would have given the sum for the Delta of the Mississippi, if it could not have been honorably acquired for less. Of whom did we purchase? From Spain, who had wrongfully withheld our right of deposit? So far from it, that we tell her she has yet to make satisfaction for that injury and insult; we bring it into account against her. No, sir, we purchased from France, the rightful proprietor, against whom we then had no subject of complaint.

I am accused by the gentleman from Pennsylvania (Mr. SMILIE)—this I suppose is a specimen of their candor—(I am reluctant to say anything whilst he is absent; I am sorry he has fled his seat) —of designedly passing over one of the most important considerations presented by the present subject—the impressment of our seamen. And yet what did that gentleman tell you? That he himself (long as he had trespassed on your time) had been compelled to omit many important things, that he intended to say. This realizes the proverb, "One man may steal a horse, whilst another must not look over the hedge." I will tell the gentleman, if I did omit this topic, I had scarcely thrown myself into the carriage that conveyed me home, before I recollected and regretted it. The gentleman may say what he pleases, but he never had no man ever shall have cause to upbraid me with flinching from any question that may be brought on this floor. Now, sir, let gentlemen lay their hands upon their hearts and answer sincerely if they do believe this resolution has the power to take one American seaman out of a British ship of war? Are gentleman hostile to impressment, and yet friendly to a naval war—to systems which must eventuate in the introduction of this system at home, in the subversion of our liberties? Let them examine the profound argument of Judge Foster on this subject. They will find that Great Britain is compelled to resort to it, to maintain her naval power and her existence. And it is because I am opposed to resorting to the same expedient (for will any man pretend that a great navy can be manned without recurring to it?)—because I think it abhorrent to the genius of a free people, that I am against rushing into that naval war, into which gentlemen wish to precipitate us. No, sir, you cannot command seamen for your navy, in time of war, without impressment. The wealth of Crœsus could not sustain the expense; and even if that objection could be removed, the ope-

ration by enlistment is too tardy to meet a sudden emergency. If you have difficulty in procuring seamen to serve in the Mediterranean, what will be the case in a war against England? With all their bravery, many a man who would willingly meet the corsairs, or even the Dons and Monsieurs, would feel reluctant to be led to battle against a British fleet—and why, sir? Because, waiving other considerations, a great proportion of our seamen are foreigners—natives of Great Britain—who still feel prejudices for their parent country. Yes, sir, the character of the American seaman, like that of the neutral trader, too often eludes our grasp. The moment you make war, much more if you resort to impressments, the American sailor vanishes, he becomes a subject of Denmark: with the first frost, he disappears in a night.

But if I did not misunderstand the gentleman from Pennsylvania, he said that I had treated the House in a manner, of which, sir, I trust I am incapable of acting towards any assembly, much less, one of your dignity. Am I, indeed, so ignorant of the feelings of man?—of the character and composition of this House? No, sir, I have spoken of certain projects, and their projectors, in language, such only, as I think they deserve, and in which, claiming the same liberty which that gentleman urges and exacts, I will ever speak of such absurd and fantastical systems. The authors are, no doubt, interested in diffusing the ridiculous burden of their disgrace as widely as possible. I cannot blame them for it. Sir, it is natural to wish for partners in our shame. But the great political sin for which I have been denounced by the gentleman from Pennsylvania, is, the opinion which I have expressed of a certain book, which seems to be his political Bible. And, sir, he would have me considered as an inconsiderate person, who would not scruple to call Locke a dunce, Newton a driveller, and Franklin a journeyman printer; and, in an oracular saw, he has pronounced that this book will live when he, and I too, sir, are laid in our graves. But, when he considers his own age, and the frailty of my constitution, he will confess that he has allowed but a short span for the existence of his favorite work. But even though it should live when we are wasting in the silent tomb, there is nothing in my composition that aspires to being considered as its author. Who is the author? Does the gentleman know? Must we have semi-official authority, even for a title-page? No, sir, whatever others may think, I have no ambition to have written such a book as this. I abjure the very idea. Unless my understanding has abandoned me, it involves an abandonment of the very doctrine for which the writer contends. Sir, the very cursory view which I took of this subject yesterday, will compel me into some repetitions, but I must beg to be indulged in some additional remarks. What is the doctrine?

"In times of peace among all nations, their commercial intercourse is under no other restrictions than what may be imposed by their respective laws, or their mutual compacts. No one or more nations can justly control the commerce between any two or more of the others.

"When war happens between any two or more nations, a question arises, in what respect it can affect the commerce of nations not engaged in the war?

"Between the nations not engaged in the war, it is evident that the commerce cannot be affected at all by a war between others.

"As a nation not engaged in the war, remains in the same relations of amity and commercial pursuits, with each of the belligerent nations, as existed prior to the war, it would seem that the war could not affect the intercourse between the neutral and either of the belligerent nations; and that the neutral nation might treat and trade with either, or both the belligerent nations, with the same freedom as if no war had arisen between them. This, as the general rule, is sufficiently established."

Here is a faint endeavor to establish the principle that free ships make free goods. But the writer, as if despairing of his ability to effect it, goes on to say:

"But inasmuch as the trade of a neutral nation with a belligerent nation, might, in certain special cases, affect the safety of its antagonist; usage, founded on the principle of necessity, has admitted a few exceptions to the general rule."

"Usage," founded on what? Reason? right? No, sir! on that law which admits nothing to control it: "Necessity," that cannot stoop to argument. If once you admit that necessity ought, can, or does, establish exceptions to this broad rule, do you not admit all that the British doctrine requires? But, sir, it will be said that the sole legitimate proof of this necessity is *usage;* but usage must have had a beginning, and the small protection which this argument affords is thrown away by the subsequent admission, that a change in circumstances, ("in the course of commerce," for instance,) will justify a departure from established maxims, will warrant the commencement of a new usage. As if all the articles contraband of war were minutely specified, and, by a change in the maxims and implements of war, new and more terrible instruments of annoyance should be fabricated, would they not fall under the head of contraband? And is it not demonstrable, that a direct trade to France, in gunpowder, or any other article contraband of war, would be less beneficial to her, and less injurious to her enemy, than the colonial trade now in dispute? And is not, according to this writer's acknowledgment, the lesser principle involved in the greater? Am I, therefore, the apologist of England? I scorn to boast of my patriotism. It is indigenous; and when I am reduced so low as to plead to the charge of want of love to my country, of natural affection to my birth-place, my pride will tell me to bid you farewell, to go home and hide my shame. Am I the apologist of Britain because your cause has been weakly defended, or treacherously betrayed? No, sir, this "Examiner" is her apologist! I have not minutely dissected the work. There was no occasion for it. It is something like the edifice we inhabit. It is hardly worth while to be examining friezes and cornices, and architraves and

stucco work, when you know the foundation to be rotten—whilst the building is tumbling about our ears, and we are obliged to seek refuge in another. It is not, indeed, sir, worth while to consult the orders of architecture in a miserable card-house of an argument which the first puff of wind must demolish.

Sir, the admission that a change of circumstances will justify a departure from the established maxims amongst nations, was an unnecessary and fatal concession, not called for by the nature of the case. What is the "course of commerce" now? Totally changed in a few short years. The marine of France, Spain, and Holland, whether for the purposes of trade or war, is no more. They have no longer navigation or navy. Again, amongst a load of quotations from Grotius, and Puffendorf, and the Lord knows who, we are told it is the duty of the neutral to observe the strictest impartiality, "to behave himself alike to both the belligerent parties." But, is it to behave alike to both parties to carry for him who cannot carry for himself, to throw the ægis of neutrality over a commerce which he can no longer protect; to save him all the danger, expense, and risk of convoy and war insurance? This is a hollow, delphic reciprocity; reciprocity to the ear, but not to the sense. If you carry contraband, or attempt to enter a blockaded port, you are liable to capture. Why? Because justified by necessity. As to the motives of the neutral merchant, they are out of the question. His object, no doubt, like that of every other trader under the sun, is gain. He, sir, is too often the mere ephemeron—the butterfly of the day—who does not care one farthing whether you are at war with this or that nation, with England or with France, provided he can get good returns. His business is to post his books and balance the leger; and whether he deals with the subjects of a white Emperor or a black one—with Bonaparte or Dessalines—it is all one to him. No doubt, sir, it is the right of the neutral to pursue, and he will, he ought to pursue, his own interest. But it is the right of a belligerent, (as conceded by this writer,) to inquire how far such pursuit comes into collision with his interests and his safety. The motive of the neutral may not be hostility to either party engaged in war, but his own benefit. This, however, will not influence the belligerent nation, who takes up the question solely with a view to its effect on itself. What will Great Britain say? That the exigency exists—that it has occurred, *flagrante bello*—that the necessity admits of no delay; that you, yourselves have abandoned the question in dispute; and even if you have not, that she cannot sit down quietly and be extirpated from the face of nations, out of complaisance to Grotius, or Bynkershoek, or in deference to the unknown author of this pamphlet, although he should exceed Bacon in genius, or Newton in intensity of thought! I must defend myself; the knife is at my throat; I have no more time for argument; but if you insist upon it, I will fight you! Sir, I have tried, but I could not get through this work. I found it so wire-drawn; the thread so fine, that I could neither see or feel it; such a tangled cobweb of contradictions, that I was obliged to give it up. The first thing that struck me on opening it, was, the peculiar infelicity with which it had surrendered the matter in dispute; and if this appeared at once to my unlearned eyes, do gentlemen suppose it will not be detected on the other side of the Atlantic? that it will receive no abler examination there, than the feeble and cursory one that I have given it? And after all, what does it contain? A remedy for the evil? No; a formal declaration that we are diseased! Sir, we wanted no ghost to tell us that. It needed no extraordinary exertion of learning or genius to show that we had, indeed, delicate subjects of difference with Great Britain. The question is, How shall they be adjusted? We want the opinion of the doctor on the mode of treatment, and don't choose to be referred to the apothecary because the superior does not choose to risk his reputation in a dubious case.

A gentleman from Pennsylvania has told us that Great Britain is our commercial rival. But does not the gentleman know that the very term implies a correlative. That if she is your commercial rival, you are her commercial rival also. This is the very view that I have been endeavoring to take of the subject, to impress on the Committee; to warn the nation against being drawn into a war of commercial rivalship. Sir, when men fall out about women they are not apt to call in some learned doctor to decide the dispute; they yield to feeling or instinct; just so with nations, commercial nations especially, differing on interest, which is their instinct. And would gentlemen wish to excite this young nation, as yet in the gristle, to a foreign contest with Great Britain, in the full strength of manhood? I speak of foreign war. The will and ability to defend ourselves is one thing, to act three thousand miles off another. They may rely as much as they please upon the French Emperor's making a separate peace with the Continent, to the exclusion of Great Britain. If she puts out her strength, you will feel it. This proposition will subject her to all the evils of an American war, without any of the concomitant advantages. And can you expect a tame acquiescence on her part? If her Minister be not a bastard, if he has one drop of the blood of Chatham in his veins, he will die contending for the liberties of his country sooner than surrender her independence. He will do it. No, sir, whatever I may think of the vices and corruptions of the Government of that country, I must applaud her intelligence and spirit—must admire her ability, wisdom, and strength.

But another gentleman from Pennsylvania (Mr. SMILIE) asks if it is not astonishing that a man, whom he allows to possess common sense, whom he represents as trembling at the power of Great Britain, should be making calculations of the future power of France, instead of guarding against the immediate danger? Sir, France may become a naval Power—Great Britain never can be a military one. I ask any practical man, if the day can ever arrive when Great Britain will

be able to threaten the continent of Europe or America, or dictate to either of them? Is it my fault that the gentleman cannot, or will not see this, because (as he tells you) fools and madmen can never be brought to believe that the spirit of God hath passed them by, and enlightened the understandings of other men? But, to show that this is not just cause of war, we are referred to the time of the stamp act and the non-importation agreement of 1774, which did not (it seems) produce immediate war. Is there any analogy between the two cases? We then formed one nation. A man may make a great sacrifice to preserve his friend, but when he has lost him, he will (as has been seen to-day) be denounced as the bitterest enemy. The other instances are equally defective and inapplicable. You may as well go back to the flood. The same gentleman inquires, are you, indeed, so peaceable toward England, who has trampled upon you, and hostile to France who has offered you no injury? Wherefore? On this occasion, I must repeat the old proverb, "it is the still hog that drinks the swill." She finds it convenient to make a miserable stalking-horse, a scarecrow of Spain. The gentleman inquires, how long Great Britain has acted upon these philanthropic principles; this generous, benevolent policy ascribed to her? But, is any man so weak, or so wicked, as to pretend that there is any principle of action between nations except interest? Give Great Britain the power, and she will to-morrow play the same part. Sir, we are not theophilanthropists, but politicians; not dreamers and soothsayers, but men of flesh and blood. It is idle to talk of a sense of justice in any nation. Each pursues its sense of interest, and if you calculate on their acting upon any other principle, you may be very amiable, but you will prove a cully. We are asked, what Great Britain can do to annoy us? We answer, at this moment, more than any other nation of the world, because she commands the ocean, the sole medium of communication between us. But draw her off from that element, and France is not less omnipotent upon it. She is a great military Power, and it is because Great Britain is not, cannot be such a Power, that it is impolitic to break her down. Go to war when you will, you must become the ally of France; you will only put off, by enhancing it, the danger you would guard against. You will but clap a tortoise under your elephant.

The same gentleman tells you that the gigantic power of France hangs on the brittle life of an individual. But, do you believe it? Are you such drivellers in politics as to believe that the fate of such a military despotism hangs on ths life of one man? If Mahomet II. had been killed under the walls of Constantinople, would the destiny of the Greek Empire have been changed? Would not the power have passed into the hands of some Solyman or Selim, the terror of the civilized world? Shall we abandon practice for theory?

In some respects we are situated as the successors of Alexander were placed in relation to Rome and Carthage. Here is an iron Republic, or call it what you will, that threatens the liberties of mankind—the Government, above all others, in Europe, to which our own is most hateful and obnoxious. This is beyond dispute. Does it become us to facilitate its designs? I do not inquire as to motives, nor will that Government care about them. If you give it facilities to effect its purposes, those purposes are obtained so far as depends on you. Is this wise, is it proper, is it right? Am I asked for my plan? If I meant to act efficiently, I would have begun with an embargo; I would now do what was done before; I would treat with Great Britain, and for the very reason that I would not have treated with her in the year 1794;—for the same reason that the gentleman, whose resolution is now under discussion, then treated with her, I would not. Now, he is for war, I am for negotiation and peace. And why? Because the state of nations has undergone a momentous change; disastrous changes, indeed, have been effected in the face of things. We often hear of the abuses and corruptions of the British Government, while the Continental despotisms pass unnoticed and unregarded. Let us beware of introducing such abuses into our own. We have no further concern with them. Do gentlemen think worse of the character and motives of William Pitt than of Robespierre? And yet, monster as he was, Robespierre, that cannibal of his own countrymen, was, in his day, the sole bulwark of the human race. And, whatever be her motives or professions, Great Britain stands exactly in the place of France twelve years ago. Take her navy out of the way to-morrow, and where are you? The Secretary of the Navy has indeed reported that the Chesapeake is fit for service, and that the Constitution is in a state of thorough repair. But, would the real Chesapeake, the bay, be fit for use in that case, and what would be the operation on the actual Constitution of the United States? Sir, I am opposed to a French war as well as to a war with England. I would treat with England for another reason. I wish we had not a Commercial Treaty with any nation whatever. I am opposed to them on principle; but the principle is already settled. We have them. By our treaties with her enemies, your hands are tied up from taking against them any such measure as the one proposed; they are to be admitted on the terms of the most favored nation. This is probably one of the principal causes of disgust to England. Again: She made an offer to repeal her discriminating duties, if you would do so too; to trade with us upon even terms. By mercantile clamor you were deterred from meeting her half-way. Moreover, you have refused to ratify treaties with her, after they had been signed by your own Minister. No doubt you had the right to do so. But can you be surprised, under such circumstances, that a haughty commercial rival has been irritated? After your oblations to France, who cannot receive a single pound of sugar or coffee but under cover of your flag, who is dependent upon you for services which she cannot render herself, who is not your rival in commerce, what can you expect

from a jealous competitor in trade who stands not in need of your navigation—whose every advance toward a good understanding has received a mortifying repulse? Sir, you have at this moment a negotiation pending with Great Britain. You have no cause to despair of its success; far otherwise. The plain question is, will you await its issue, or will you, *pendente lite*, precipitate yourself into a measure which must put all negotiation aside, which must eventuate in war? If you want war, there is no doubt that you may have it. Great Britain will not submit to all the hardships and mischiefs of war, because you choose to call it peace. She will prefer open war to war in disguise; and I, sir, have no hesitation in saying that I am for no half-measures. Begin that system when you will, war, or disgrace, must grow out of it. I am for neither. The gentleman, indeed, says, that this, which has been denounced as a war measure, is a measure of peace. Let us have no more *quasi* wars, I beseech you, sir; no half-measures, no intermediate stage, but open war, or peace. I abhor this political quackery. Give us war, or negotiation; if you resort to the one, let us abandon the other. But we are asked if American virtue will so far degrade and debase itself as to treat with the old and corrupt Government of England? There is a plain answer to this. You have a treaty with her now, with every Government, I believe, that would make one with you. But, while we boast of our virtue, let us beware that our own sins are not cast into our teeth. Let us see how far these punctilios are warranted by the conduct of our own agents. Look to the management of the convention of Paris, of the 30th April, 1803. You have all seen the case of the New Jersey, Nicklin and Griffith's ship. It has created a general sensation. And yet, what is the fact? Compared with others, they have almost nothing to complain of. Bad as that case is, it is among the least exceptionable instances of misconduct in your Ministry at Paris. It is true, Nicklin & Griffith's claim was cut down, I believe, one-half, because the sum appropriated would not otherwise (it was feared) be sufficient to answer all the draughts of chicanery upon it. These men were, therefore, mulcted fifty per cent. They are rich merchants, able to make their case known. It has been heard, and has rung through the Continent. There are hundreds of cases even worse than this. The claims intended to be provided for are set aside. Why? Because Government has been represented abroad by unfaithful, dishonest agents. Have they been called to account for their conduct? Three millions seven hundred and fifty thousand dollars, stipulated to be paid, to *bona fide* American citizens—where have they gone? Into the pockets of renegadoes, and the bureaux of Paris. Yes, the traders in neutral character have divided the spoil with the harpies of the French bureaux. These are they in whose favor the bills have been drawn on the Treasury of the United States by their own Minister. Take the case of the Pigou. There was no question, indeed, as to her being American property—but she was captured *flagrante bello*—(when we were taking the Insurgente and Berceau)—she was, therefore, good prize, and was condemned accordingly. Yet the decision of the inferior court was reversed by the Council of Prizes, and this case brought within the convention, to the exclusion, no doubt, of *bona fide* claims, for neutral American property, captured and condemned, and for which the convention was intended to provide. This is a specimen of the mode of doing business at Paris. If gentlemen doubt upon the subject, let them call on the Secretary of State for the correspondence of the Commissioners. Let them call for John Mercer, one of those Commissioners, a man inferior to few in point of talents; in point of character, to none. Put him to the bar and examine him.

Painful as it is to me, I must defend my principles and those of my friends. Open your statute book—what does it say? That the shores and waters of the bay and river Mobile shall form a district. I brought in the bill myself. The Executive had informed us that we had purchased from France as far as the Perdido to the east. We legislated upon it. Whence have arisen your disputes with Spain? From Pensacola or St. Augustine? No; from the very country which the statute book says is yours; in your own collection district are Spanish duties exacted and paid; from this very quarter incursions have been made into the old United States. Do gentlemen believe that this fact will be lost on Great Britain? But we are asked (by Mr. SMILIE) what has she to do with differences between us and Spain? What right has she to interfere, to inquire, or even to know, to seem conscious, of what has passed in that quarter? Is this intended as a serious question? Because you have clapped a padlock upon your own mouths, and wilfully shut your eyes, do you expect to hoodwink an eagle-eyed adversary? It is in vain to expect that any nation, in her intercourse with you, will be blind to your conduct towards others. Great Britain must shut her eyes, and ears, too, not to understand the state of things here, at least negatively speaking. She must know that you have taken no imposing attitude towards Spain; done nothing to strengthen the Southern frontiers; made no addition to your naval or military force; left even the militia *in statu quo ante*. Because the doors have been shut, can people be brought to believe that we have raised armies and equipped fleets in conclave? I never heard, sir, but of one army incog., and that was levied by the facetious Mr. Bayes for the service of the stage, not of the State, and from some dramatic specimens which I have lately seen, I should not be surprised to hear of a similar project being started on this floor. Great Britain will see, then, what has *not* been your proceeding towards Spain. She will say, shall I suffer myself to be brow-beaten by a nation clamoring for the right of highway, that has not spirit enough to defend her own domicil? If A acts like a poltroon towards B, who has committed a gross outrage upon him, and shall have a subsequent controversy with C, shall he pretend to

bully him, and expect C not to call to mind his cowardly behaviour with B, and treat him accordingly? One foreign nation will be influenced, will be governed in her concerns with you by your concessions to another; and it is the idlest thing in the world to expect that your treatment by one Government will not have an effect on the deportment of others towards you.

One word more, sir, before I conclude. Gentlemen miscalculate, if they suppose that mere *authority* (much less at second hand) will do for us. They must show us something better before we swallow their resolution. It is an infirmity, sir, of my nature that I cannot yield to the imposing sound of great names; they never did and they never shall put me to silence, or drive me from my purpose. I am apprized of the secret denunciations which are on foot, and I despise them. They shall never affect me. I came into public life with these principles, and I will leave it with them, leave it when I may.

The Committee rose, and the House adjourned.

FRIDAY, March 7.

Mr. CROWNINSHIELD moved a resolution, instructing the Committee of Commerce and Manufactures to inquire into the expediency of amending the eighteenth and seventy-seventh section of the act to regulate the collection of duties on imports and tonnage, so far as to remove the disabilities and restrictions at present imposed on vessels arriving at several ports of entry of the United States from the Cape of Good Hope, and from places beyond the same.

This resolution, after a modification suggested by Mr. DANA, making it more comprehensive, was agreed to.

IMPORTATIONS FROM GREAT BRITAIN.

The House again resolved itself into Committee of the Whole on the state of the Union—Mr. GREGG's resolution still under consideration.

Mr. SLOAN.—I do not rise to deny, but to acknowledge myself one of those horn-book politicians, alluded to by a gentleman from Virginia, and to assure this Committee that I do not envy or begrudge that member either his superior genius, talents, or learning; and further, to ask on behalf of myself, and others of this class, the favor of being permitted to deliver our sentiments on this, and other important subjects, in such language as we are capable of, until our constituents may have an opportunity of electing other members, of superior learning and talents, and farther advanced in political knowledge. This is a favor I hope will not be denied, otherwise a great number of American citizens, the remainder of this and the ensuing session, must go unrepresented.

In answer to the assertion that our late conduct respecting Spain was such as we dare not mention; that we dare not take off the injunction of secrecy; that we are ashamed to let the nation know the secret—permit me to assure that gentleman, and this Committee, that I feel neither shame, nor compunction of heart, for the part that I acted in that business, not doubting that, when the injunction is taken off, and the public acquainted with the whole transaction, the real friends of the peace and interest of the United States will fully approve the conduct of the majority, (with whom I had the pleasure to act,) and which, were I, by side-glances and insinuations, to endeavor to impress the public mind with a belief that a majority of their Representatives had acted in a manner they were ashamed of, I conceive my constituents would thenceforth consider me unworthy of their confidence, and consequently, of a seat on this floor.

We are told that we have no Cabinet. Is it necessary? is it recognised by the Constitution? No! The President's powers are defined, and have, for five years, been fulfilled to the satisfaction of the people.

I have heard of British Cabinets, British Ministers, and British Privy Councils. Of their conduct I formed a very bad opinion, before the member alluded to was out of his nurse's arms, and have seen no cause to change that opinion. It is therefore pleasing to me to hear that we have no such institution.

Mr. Chairman, however great my gratitude to the member for his paternal care over the children in politics on this floor, which roused him from his sick bed to give his superior opinion upon this subject before our weak and feeble minds had been misled by Tom, Dick, and Harry, or some other arrogant chap that might have some knowledge of steering a ship at sea, but totally ignorant in navigating our vessel of State—I say, notwithstanding I gave all the attention in my power to his eloquent speech of two hours and forty-eight minutes, there were divers parts which my weak brain could not comprehend, and which I beg leave to lay before this Committee for the purpose of receiving further information.

1. I cannot comprehend how our demanding the release of our impressed seamen, and restitution for unjust captures of our vessels, can be construed as throwing our weight in the scale of France, for the purpose of supporting a set of men who do not support the public weal of the United States.

2. Nor can I possibly discover that Great Britain stands precisely in the same situation that republican France did in '93. For information on this subject, let me ask, was it not British gold and British intrigue that then formed the coalition against republican France? And is it not the same that has formed the present coalition against monarchical France? Have the armies of France, in either case, advanced beyond their own territory, previous to the raising and advancing towards them of powerful armies for the express purpose of subjugating them, and dividing their property among the coalesced Powers? If the accounts received are true, they have not.

But we are told that Britain is now the only barrier against tyranny, and her navy our only security; that the battle off Trafalgar prevented the fleets of France and Spain from laying our seaport towns under contribution, and that the

British navy alone stands between us and their tyranny. Mr. Chairman, if a British subject was admitted on this floor, to advocate his Sovereign's cause, I should, from him, have expected such language; but to hear it from a member of Congress, has astonished me more than anything I ever heard within these walls. I may add, that I believe even a British subject, of common sense and prudence, would not have committed his character by asserting that the combined fleets of Holland, France, and Spain, were so reduced that ten British ships (I expect of the line, was meant) would be glad to meet their whole force.

Neither can I comprehend that language that in one breath asserts that Spain has grossly insulted us on our own territory; that we pocket those insults because they are a favored nation; and in the next breath asserts that she is no nation, but those aggressions are the acts of France.

I here deem it my duty to make some remarks on observations made on this floor, which have a tendency to mislead and alarm the public mind with regard to France and Spain. We have been told that Spain has insulted us on our own territory. I appeal to the gentleman from Virginia whether he has not declared that we do not possess a foot of ground beyond the Iberville? If so, let the world judge of the consistency of his remarks. I ask if Spain has not ordered her cruisers to respect our vessels, and whether France is not on a friendly footing with us? Shall, then, the public mind be deceived with the idea that Congress have not acted towards those nations with spirit? For what? Because our boundaries with Spain are not defined. I trust in God we shall never go to war for that. I repeat it, our affairs are in a train of amicable settlement, and I trust they will be soon settled.

It is asserted that France would be as tyrannical on the ocean as England, had she the same power; that is a point that I have neither foreknowledge or sagacity enough to determine, nor do I consider such assertions either necessary or proper on the present occasion. The degraded point of view in which Spain has been represented, the tyrannical disposition of France, and Britain represented as the only barrier against her tyranny, the forlorn hope of European liberty, I have heard with sorrow, believing such language highly improper to be used in a legislative capacity by any representative of a free people, whose interest it is to cultivate peace and harmony with all nations of the earth.

I shall only trouble the Committee with one more observation upon the learned and eloquent speech first mentioned, in which I think it was alleged that parchment was the only remedy applied to aggressions on our territory, for which a member from New Jersey might receive a vegetable specific. If I am the member alluded to, permit me to reply, that if by dealing in parchment we can continue to purchase as good bargains as Louisiana, and thereby preserve peace, I hope the United States will always prefer dealing in that commodity rather than to imbrue their hands in human blood. Respecting vegetable specifics, I shall only observe, that if that member lives to my age, needing no more specific medicine, either vegetable or mineral, he may consider it a great blessing; but which I think very improbable.

Mr. Chairman, believing it to be my duty to deliver my sentiments in as few words as possible, that other members standing on an equal floor may have an opportunity to deliver theirs, I shall hasten to a conclusion, at the same time not doubting that, if I was disposed so to do, I could take up the time of the Committee as long, and to as little purpose, as any other member within these walls.

I could, under the pretext of explaining, keep the floor two hours and nine minutes, if the Chairman did not order me down, which I hope he will if ever I attempt it.

In explaining, I could declare that I did not mean to stigmatize a respectable class of citizens with dishonesty, or any other reproachful epithet, and immediately compare them to butterflies of the day, and to slippery eels, who will get round and evade any regulations or restrictions that can be made, whose interest is their guide, regardless of the peace and interest of the nation in which they reside.

I could declare that I had not insulted the House, but aimed at certain political characters, and in the next breath charge a majority of the same House with having hoodwinked its members, but unable to do so with foreign nations. I again could charge them with bullying England and truckling to France, and exclaim in an imperious tone, this you have done, and you know it.

Mr. Chairman, I could go on still further, and assert that the little, trifling arguments of my opponents ought to bear no weight, because destitute of reason; that instinct, the guide of the brute creation, was superior to such reason; yet declare that I meant no insult to their understanding.

I could then, in the prophetic line, inform the Committee that if they offended the British Minister he would immediately put forth his strength, and make the United States feel it; and that although France at present appears friendly, she is like the still hog drinking swill, meditating future evil, and will eventually (if in her power) treat us worse than England.

I could in a few words remove this mighty bugbear that the friends of the resolution have made so much ado about—I mean the impressment of three thousand of our seamen—by informing the Committee that it has been the practice of Britain time immemorial; that it has been found indispensably necessary, to enable them to man their fleets; that is to say, without these diabolical means, which none but infernal fiends in human shape could ever use, they could not so effectually have carried fire and sword, devastation and plunder, to every habitable part of the globe, and thereby so greatly increased the quantum of human misery, and the cries of the widows and fatherless.

I could also, if my conscience would permit,

after venting my hatred in the most bitter invectives against the French Emperor that my genius could invent, charging Congress with truckling to him, and bestowing on the Government of England the highest applause for their opposition to French tyranny—repeatedly deny being the apologist of Britain. But a subsequent question arises, would the members of this Committee subscribe to the truth of such declarations?

But, Mr. Chairman, I will detain the Committee no longer with telling them what might be done, but earnestly call their attention to what has been done—to what has been said on this floor. We have been told that France cannot get a pound of coffee or sugar from her own islands, except through the medium of American vessels, and that we have a treaty that obliges us to treat them as one of the most favored nations. This raises the curtain, and gives a full and complete view of the whole scene; this explains, in the most clear and explicit manner, the elaborate speech of two hours and forty-eight minutes, and the explanation of two hours and nine minutes. A horn-book politician may by this clearly discover the intention of the member from Virginia; and Tom, Dick, and Harry, if they have only learned the three first letters of the alphabet, may understand his meaning, and why he would prefer an embargo to even a partial non-importation of British manufactures. It is possible that George the Third, that zealous defender of the most holy faith, by whose most gracious orders the North American colonies were declared out of his protection; and afterwards his paternal care was further manifested in burning their towns, murdering their citizens, and causing their prisoners to perish with famine and pestilence in noisome dungeons and filthy prison-ships—I say it is possible, as the precious life of this great benefactor of mankind is yet preserved, and, we are told on this floor, remains animated with the same benevolent spirit, fighting the battles of liberty against Gallic tyranny, if he should fail by land, his pious zeal may induce him once more to resort to his forlorn hope, as he did in the late war with republican France; declare all her ports and her allies in a state of blockade; cover the ocean with his fleets, in order to effect by a famine what he is unable to do by force of arms. In that case, an embargo on American vessels would facilitate his purpose. But here let me ask this Committee, Can the Congress of the United States countenance such a procedure? I hope not.

Before I sit down, let me ask the members of this Committee, (especially you in whose ears the expiring groans of your brethren in arms—of your beloved fellow-citizens—yet vibrates; slain by the murderous hands of the mercenaries of Great Britain, or more barbarously deprived of life by famine or pestilence,) Can you, while that same monarch reigns, and who, instead of diminishing, has added to the long and black catalogue of crimes set forth in our Declaration of Independence, which induced you to risk your lives in opposition to his tyranny; can you with complacency, or any degree of approbation, sit and hear that Government who continues her tyranny and injustice to these United States—witness the capture of our vessels and impressment of our seamen—held up by a member on this floor, as the only barrier we have against the tyranny of that nation who in our struggle assisted us with vessels of war, arms, ammunition, men, and money; whose soldiers fought by your side, and bled to support American liberty and independence, and whose Government continues friendly towards us? I hope not; I believe you cannot; your hearts must turn indignant from such language. For my own part, I am free to declare, that, since I have had the honor of a seat on this floor, I have heard nothing that has so hurt my feelings. I have borne them in silence. I am happy in obtaining a few moments in my plain unlearned way to express them, that this Committee and all the United States may know that I retain the same abhorrence against British tyranny that I did in the Revolutionary war, and also the same love for the liberty and independence of the United States.

Mr. FINDLEY said he had been long in the habit of observing, that, when a subject was discussed which occasioned numerous arguments, the question was often lost sight of. In the heat of debate, instead of the subject before them, the preceding argument became the text to him that replied, and his to the next who took the floor, and so on, in succession, until some member succeeded in calling the attention of the members to the original subject. Though the present question had but a few days engaged the attention of the Committee of the Whole, yet, in his opinion, several of the speakers on the floor had lost sight of it, further than he had formerly observed in so short a time. He would attempt to draw the attention of the Committee from these desultory excursions, which settle no point in debate, and often have no visible connexion with it, to the important question they were called upon to decide; and in doing so, he would take no notice of anything that had been offered as argument, which was not necessarily connected with the question. He would neither be the advocate or apologist for any one nation of Europe, nor treat any other nation with irritating contempt. Language of the kind that has been used within two days past in this House ought not to be admitted, unless we were employed in discussing a manifesto to support a declaration of war, and even for that purpose it is inconsistent with national dignity. He said, the subject before the House was a resolution, referred to the Committee of the Whole House on the state of the Union, to prohibit all importation of goods the produce or the manufacture of Britain, or any of the British dominions; not to prevent Britain or her dependencies from receiving supplies of provisions, raw materials, &c., from us. It does not go to prohibit exportation; but even this should not be done without a very sufficient cause. Two causes are assigned in the preamble to the resolution; first, the impressment of our seamen; second, commercial aggressions.

Mr. F. asked, Was it ever known, in the history of independent nations, that any one nation im-

pressed the citizens or subjects of another nation into their fleets, to fight against a nation friendly to that from which they had been impressed, and to receive no wages or emoluments unless they would enlist; which few of them ever do, except under the lash of the boatswain, which is applied if they appear reluctant to do the meanest drudgery, and who must of necessity hate the nation for which they fought? No, sir, this cannot be shown. The British Government has long been in the habit of impressing their own subjects for seamen. In France, we have been lately told in this House, conscripts are forced to the army. Perhaps the conscripts are the same that we have been accustomed to call the classes of militia in this country; but it is of their own citizens. Impressments to the navy are a very different thing. It is such an exercise of tyranny that it is hoped will never be exercised in this country. Yet, still, except in the case of our seamen, it is their own subjects: they do not impress Swedes, Danes, or Prussians.

A man impressed is condemned to a slavery of the worst kind. Slavery, for a limited time, is a suitable punishment for crimes; but the sentence with us, and in all nations, civilized or savage, is decided by known and responsible judges to be the breach of some law. But by whom is the sentence of condemnation to slavery passed on our citizens, sailing under the protection of our own flag, chargeable with no crime? Not by a court of justice in any form; not even by an officer of high responsibility; but by some young subaltern of a man-of-war, which is universally admitted to resort to the most arbitrary species of government existing. No other crime is alleged to justify the condemnation, but that he speaks the English language, or has become an American citizen, and no other judge but a lieutenant or midshipman selected for this exertion of tyranny.

We have not long since expressed a just abhorrence of slavery, by a very unanimous vote of this House; we have expressed a very commendable sympathy for the untutored sons of Africa, of a different color from ourselves, stolen or forced from their families and all that is dear to them; and shall we make no exertions to protect our own citizens from a worse kind of slavery? If the planters of South Carolina, or any other State where slaves are employed, should forcibly take any of our sons from the plough, or other lawful and necessary occupation, and set them to work with other slaves in raising cotton or rice, the outrage would be horrid, indeed, but not equal to the impressment of our citizens. The slave to the planter must labor, but he is not obliged to kill those who have given him no provocation, or to be killed himself, and he may be found and redeemed. Money redeemed our captives from the Barbary coast, and we felt for them, and advanced the price.

There is, sir, another point of view presented in the impressment of our seamen which ought to address our attention. It is admitted that several thousand of our impressed citizens are employed on board the British men-of-war, fighting against France. These, it is believed, are sufficient to man five ships-of-the-line. If by our silence we connive at this, or by our wilful neglect of such peaceable means as are within our power to prevent it, may not this be charged as a breach of neutrality—may it not be justly called war in disguise? But I forbear.

Commercial aggressions, such as capturing our merchant ships laden with cargoes of colonial produce, purchased in return for the produce of our own country and the property of our own citizens, and condemning, contrary to the laws and usages of nations, as approved and practised even by the British courts until August last, and openly in her decisions substituting the instructions of the court in the place of the law of nations, contrary to her own former practice, by which it is acknowledged by the opposers of the resolution the British courts have already condemned at least six millions of dollars, of the property of our citizens, on new principles, which, not being known to the owners, it was impossible to provide against the events. Though these aggressions have hitherto been principally committed on cargoes of colonial produce, where only we can find a market for the produce of the Middle and Eastern States, yet the principles are equally applicable to much of our East India trade, and to the trade with France, Spain, and Holland, from which we derive most of the favorable balance of trade, which enables us to discharge the unfavorable balance of trade with Great Britain; and she can so apply them without giving notice of her intention at a time when she knows we have the greatest amount of property on the ocean. We cannot admit the plea of necessity, as suggested in a well known British pamphlet, and advocated without reserve by the gentleman from Virginia. To admit this would justify every possible aggression of the Power at war against neutral nations. We make no war in disguise against Britain; we favor her as much as in our neutral station and commercial situation we can do. We bear with aggressions from her that would not be offered nor borne with from any other nation. The profits accruing from a favorable commercial balance with other nations is cheerfully thrown into her lap, and if we do not continue to do so it is her own fault. Justice and policy require that she should do so. Britain pretends no cause of complaint against us. We have readily removed such as she ever had. By pleading necessity, the aggression on her part seems to be acknowledged. Let her remove the cause.

This question, therefore, naturally arises, are these things wrong; do they not only affect our interest but our national independence? It was confidently expected that to this inquiry every member would answer in the affirmative. One member, however, has gone far to advocate all the aggressions complained of. No doubt, however, a great majority of the members are convinced that the impressment, and the other aggressions, require a remedy; the object of the present deliberation is to discover such measures as will be most expedient, not only to correct the evil, but to procure reasonable redress without war.

Mr. F. added, that it was reasonable to expect some diversity of opinion; that such a diversity does exist is evident from the number and variety of the resolutions referred to this Committee. Of these, some are substitutes for the resolution which is now the subject of debate; they have the same object in view, but vary in the means proposed. Others may be very properly pursued in concurrence with, and in aid of, the resolution under debate; for some of these, with proper modifications, he said he would probably vote. There is certainly a variety of methods in our power of applying an effectual and at the same time peaceable and permanent corrective of our grounds of complaint. The method proposed in the resolution on the table he thought well calculated to produce the effect; that the discussion of it would at least bring the whole subject into view, and prepare their minds for other resolutions.

Mr. F. said perhaps he would be told that it is a war measure, and, as such, ought to be avoided. We have been told so already by a gentleman from Virginia, (Mr. J. RANDOLPH,) who was up yesterday. Mr. F. said his colleague, who introduced the resolution, declared he did not consider it as a war measure, and that he himself was absolutely opposed to war equally with his colleague.

This resolution provisionally proposes terms which it is just and reasonable that Britain should comply with, and which is fully in her power, to prevent the importation of goods the produce and manufactures of the British dominions, until a reasonable accommodation is made by negotiation. It does not go to prevent exportation.

But it may be said, and it is no doubt the opinion of some members, that the subject should at this time be left wholly to negotiation, without being aided by any legislative measure. This is the most important point in view in the subject before us.

Both the supporters and opposers of the resolution agree that an accommodation by negotiation is solely their object. This, he said, was undoubtedly his object, and he would support the resolution on the table, subject to whatever modification the majority of the Committee may think proper to give it, solely with a view to further a favorable negotiation. But will any member say that the President has not already exerted all the powers vested in him, and all the talents of which he is possessed, to accomplish an amicable negotiation? They will not. They will not say that every President of the United States has not done everything in their power, by negotiation, to prevent the impressment of our citizens, since the impressment commenced in 1793—the first time, indeed, in the history of nations, that a power of one independent nation over the citizens of another independent nation was assumed.

The President, in his first Message to this Congress, officially brought the subject before them. In a subsequent Message he informed them of the instructions he had given, of the exertions that had been made, and, in short, that negotiation was exhausted. Why, then, should we refuse such legislative aid as, in the present state of the business, is absolutely necessary to render negotiation successful? Can we expect success without some efficient expression of the national will? Former Presidents did not expect it so from any nation.

Mr. F. said, the gentlemen who have risen in opposition to the resolution have taken no notice of the impressment of our citizens, though it is by far the most aggravated grievance. They seem to give to Great Britain a prescriptive right of that essential portion of our independence. Happily, however, the exercise of that most tyrannical power has been perseveringly protested against by every Administration since that unprecedented tyranny began to be exercised. Indeed, the first instance of acquiescence which has been manifested is by the members who have spoken in opposition to this resolution.

The gentleman from Virginia, yesterday, the second time he has been up on the question, acknowledged the omission, but seemed to make an offset of the conduct of Spain in the Mississippi Territory last Summer to balance the impressment. It appears that two men fled from justice from the settlement possessed by Spain, and were pursued and taken in our territory, but afterwards rescued from the officer of Spain. This might be balanced by the outrage committed by the British at Detroit; but without dwelling on this insult, it is sufficient to observe that the two men are free from bondage, and that there has not been time to remonstrate and negotiate with Spain since the outrage happened, and that a court of justice is competent to decide on it. If Britain had impressed but two men—if she had impressed but two hundred, and had disavowed the intention of doing so any more—if the Court of London had not advocated and avowed persisting in the unprecedented outrage on the laws and usages of nations—if that Government had not vindicated the conduct and refused to sign a convention on that subject (once agreed to) without an inadmissible exception, it may be presumed the case would not have been brought before the Legislature.

The observations of this gentleman, however, so often bring our relations with Spain into view, without explanations, that though they have no connexion with the subject before us, he would shortly add that, in the purchase of Louisiana from France, which the gentleman from Virginia has in strong terms acknowledged was a good bargain, that even the channel of the river was worth the money, &c., yet in the various transfers between France and Spain, and the final transfer to the United States, the boundary lines had never been settled. By a bill reported to the last Congress, it is believed by the gentleman from Virginia himself, which passed into a law, it was made the President's duty to take possession of the Mobile district. He did so, and Spain objected to the boundary, and the affair became a subject of negotiation, as well as the unsettled Western boundary. As soon as this became a subject of negotiation, the President proceeded no further, but left the undecided boundary in the

state it was, until the boundary should be amicably settled.

This, sir, is the way I understand the case to stand; and if I understand it truly, the President has conducted with great correctness, agreeably to the law of nations. Of the truth of this it is not necessary to quote authority, one example for illustration is sufficient: though the Western boundary between the United States and the British territory had been clearly defined in the definitive treaty with Great Britain, yet the Western forts within our acknowledged boundary were forcibly withheld from us by British troops; but while the negotiation conducted by Mr. Jay was in progress at the Court of London, the President, Washington, not only withheld the Federal troops, then engaged in war with the Indians, from advancing, but forbade General Irving from going with a party of Pennsylvania militia to lay out a town on the margin of Lake Erie, in Pennsylvania, where it was not known that ever the British had advanced a claim since the Revolution; or taken possession; but neither had we actually occupied it before, but it was within the acknowledged boundary of that State. Retaining possession until the boundary is settled is no aggression on the part of Spain.

Mr. F. said, we are alarmed with dangers instead of being convinced by argument. If the gentleman from Virginia is, indeed, not much mistaken, we are first to be ruined by war with Britain, and afterwards overwhelmed by France, and distressed with numerous privations. It is true, if Britain or any other nation find it to be their interest and design to go to war with us, they will never be at a loss to assign a cause. We cannot turn our feet in regulating our own commerce, but they can, in a manifesto, give it the coloring of a cause of war. Without imputing to Britain a less degree of justice or honor, or calculating on her possessing a higher sense of national depravity than any other nation, we must all admit that she is a pretty good judge of her own interest, and sufficiently disposed to pursue it. If that is admitted, it is the most evident interest of Britain to cease from her aggressions, and make reasonable restitution, in preference to war or the privations we can make her suffer without going to war. At present, and for a considerable time past, her commerce has been excluded from the greatest extent of the most fertile and wealthy part of Europe, and in these countries manufactures are so much encouraged that the British goods can never again be in the same demand in that quarter. For some of her most extensive and important manufactures she depends on the United States for the raw materials, to the amount of near $5,000,000, besides a large amount of other articles of the first necessity. These manufactures, the great source of her wealth and power, depend for their support upon the consumers as well as on the raw materials. No other nation in the world, probably all the nations of Europe, do not consume so much of her manufactures as the United States do; they not only consume what pays for the vast amount of raw materials of our own produce which Britain receives, but also to the amount of several millions of foreign articles which they purchase from our merchants; but they create a balance against us to a greater amount than the whole annual revenue of the United States, the discharge of which swallows up the profits acquired by our exports to all other countries.

When or by whom was ever non-importation deemed a war measure? Not at any time we know of by Britain, the United States, or probably any other nation. The British Treaty recognises it as a measure of peace. While we were yet colonies we had recourse to non-importation by voluntary agreement, in order to induce Britain to repeal the stamp act, after other methods had been exhausted. It was not considered or treated as a war measure by either party, but by affecting the manufacturing interest, &c., in Britain it procured the repeal of the stamp act. The same measure procured the repeal in part of the revenue acts; what of them remained unrepealed, as a pledge of the sovereign right of the British Parliament to legislate for the colonies, produced the war which established our independence.

During the first session of the third Congress, information of the British orders of the 8th of June, 1798, and the aggressions in pursuance of these orders committed on our commerce, were officially communicated to Congress by the President. In consequence of which, Mr. Madison submitted certain resolutions that are now in the hands of the members, but before any final decision on them had taken place, information was received of the orders of the 6th of November 1793, which authorized a higher degree of aggression than had been heretofore committed. Neither the orders of June or November were otherwise known but by their execution, until after great great damage had been sustained. In consequence of information of these ruinous depredations an embargo for thirty days was laid after two days consideration, with an interval between, with shut doors. The embargo was soon after extended for thirty days longer.

The embargo, however, was not intended as a permanent measure, nor expected to have any permanent effect; it could not have a great effect except on the British West Indies which depended on us for their necessary supplies. The embargo however secured what was yet in our harbors until Congress might have time to deliberate, and Britain did not treat it as a war measure.

The first result of that deliberation was a resolution for sequestrating the debts due to British subjects by citizens of this country, which was at this time a large amount. After this had been considered for a considerable time, and afterwards discussed, it was dropped, and a resolution for a non-intercourse with the British dominions submitted to the House. This resolution was, with frequent intervals, a subject of deliberation for some weeks before the House of Representatives, and in all its stages was supported by a majority. While this subject was before the House, and before a bill was ordered to be reported, information

was received that Britain, on the 8th of January, had favorably revised the orders of the 6th of November preceding, and that our commerce was again admitted to be conducted on such a footing as we have since acquiesced in with little complaint. But the progress of the non-intercourse bill was not therefore stopped; the British Court had issued orders on one principle in June, and upon another principle in November, and a third principle in March. Three orders essentially different from each other in seven months, and might probably have made another change before this information arrived; the bill therefore passed the House by a greater majority than it is believed any other commercial measure during that session. It passed also in the Senate by a respectable majority, till the order for the last reading; when, the votes being equal, the bill was refused the last reading by the Vice President's vote. The President had recently nominated Mr. Jay, Envoy Extraordinary to the Court of London; this induced a number of the members of the Senate to believe that it was not necessary to pass the non-intercourse bill into a law.

Mr. F. said, he had sufficient ground to believe that the President delayed the nomination of an Envoy for a considerable time, waiting for the progress of the bill, and that he did not nominate the Envoy with an intention to defeat the last vote on the bill, but rather to correspond with it. Thus far he well recollected that on the day that the non-intercourse resolution was submitted to the House, in conversation with one of the heads of departments, on the subject of the President sending an Envoy, which was then much talked of, the gentleman said that the President would send an Envoy as soon as Congress had strengthened his hands with any sufficient expression of the public will; that Madison's resolutions appeared suitable early in the session was generally admitted, but they were dropped perhaps as not corresponding to the increased aggressions since November. The resolution for sequestration, he said, he did not approve, but the resolution for non-intercourse, then submitted to the House by Mr. Clark of New Jersey, he thought would answer the purpose, and that if it passed Congress, the President would send an Envoy. It did pass the House of Representatives by a large majority, and the second reading in the Senate before the Envoy was nominated by the President. These circumstances are mentioned to demonstrate that at no period heretofore, either before or since the declaration of independence, was refusing to import or consume the produce or manufactures of any country deemed a war measure; it cannot be so unless some treaty is thereby broken. The British Treaty secures this right to both parties.

Mr. F. said it was true that not only on the occasions abovementioned, but on the discussion of the resolution submitted by Mr. Madison, on the resolutions for an embargo and the opposition to the British Treaty being ratified, there were members and others who declared these measures would lead to war, &c. It was particularly so when the question of the embargo was first discussed. That the measure will lead to war is always the cant word of opposition, and is well calculated to alarm such of the citizens as are not well informed; but enacting such measures are agreeable to the Treaty with Britain, and within the unquestionable rights of sovereignty, therefore cannot of themselves cause war. The resoluton therefore is not objectionable on this ground, whatever it may be on the ground of expediency. But if the British Government should, disregarding the principles of justice, embargo our ships in their harbors, capture them on the ocean, where we have a large amount of property afloat, and even if they should be mad enough to attack our ports and harbors with their fleet, if they should do all that has been suggested by the gentleman from Virginia, we have the power and means of making reprisals. Mr. F. said, that that gentleman had yesterday charged his colleague (Mr. SMILIE) with inconsistency, he having formerly opposed a fleet and was now in favor of one, &c. But this was not the case; neither his colleague nor himself were in favor of a fleet, nor would ever vote for one to oppose or make reprisals on Britain, while less expensive and much more certain means of reprisal were in our power. The vast amount of stock that the British subjects owned in our funds and banks, and of debts due from our merchants to her merchants and manufacturers, and her territories of Nova Scotia and Canada, in our neighborhood, which, though of no great value to us, are of incalculable value to her, are all in our power, and are all lawful objects for reprisals, which at least may be justified by excess of provocation. Even supposing Great Britain lost to all sense of justice and national honor, which he did not admit in its whole extent, yet we will all admit that she is sensible of and pursues her own interest; and that it is not her interest to go to extremities with us on the account of all she gains by the aggressions of which we complain, must be admitted by all competent judges.

The gentleman from Virginia has spoken of the character of those engaged in commerce, in an unusual strain of acrimony; he has denounced commercial pursuits, and denied protection to it beyond gunshot from our shores, &c. It is true he yesterday refused protection only to what is usually, though incorrectly, called the carrying trade. Formerly, by the carrying trade was understood to be carrying the property of other nations on freight. In this, Holland, who has little produce of her own to export, was generally greatly engaged. Her merchants were formerly the carriers for all the maritime nations of Europe. Our own shipping merchants also were early engaged in this trade; even before 1793, they contended for the right of doing so; but that is now given up: if any do now engage in it they neither claim nor receive protection from our Government. The name of carrying trade is now applied to that commerce carried on by purchasing goods in one country, bringing them to our country, and, if they are not in demand there, reshipping them to a foreign market, &c., or disposing of them to those who do so.

Mr. F. said that he was astonished to hear this commerce stated as inimical to agriculture, as its rival, &c. Whatever may be said of the manufactures and commerce of Britain being rivals to the landed interest, it will not apply in this country. We have no established manufactures in the country, therefore our own manufactures are not the sources of commerce, as they are in Britain. The produce of agriculture, viz: what can be spared from the farm, or what can be caught in the ocean by the industry of our own citizens, is the sole basis of our commerce, and if agriculture fails, commerce fails with it. What is called with us the carrying trade, and the direct trade, cannot easily be separated. We take from Britain to the amount of near twelve millions of dollars more than she takes from us; how will we pay it? She does not take our flour, meat, or fish, and but very little of anything from the Middle or Eastern States. We sell our flour, meat, &c., chiefly in the French and Spanish West Indies, and bring the returns in sugar, coffee, rum, &c., to our own ports; and what is not consumed in our own country is permitted to be shipped to the European ports, where they can find a market under a neutral character, and the proceeds are transmitted to Britain to pay the balance she has against us, or in part in such goods as can be got where the sales are made. A scarcity of bread sometimes induces Britain to open her ports to our grain and flour, but even then the cargo exported will come far short of paying for a return cargo of her finished manufactures; and it is the same with the bulky raw materials of the Southern States, of which Britain takes a large proportion; the balance has to be paid in the circuitous manner mentioned above. Our provisions, &c., sold in the West Indies, will not purchase return cargoes of coffee, sugar, rum, &c., and but little money can be got; the return cargoes therefore, if more than is necessary for home consumption, must be permitted to find a market in other countries, and for this permission a duty is paid. Thus, what is called the carrying trade is so combined with the direct trade, that it cannot be separated without injury to the farmer as well as the merchant.

Perhaps to those who understand the subject, wagoners constantly employed in hauling merchandise from Philadelphia and Baltimore on the great Western road to Pittsburg, may in some measure illustrate the carrying trade as connected with the exports of our produce to a foreign market. About 300 of five and six horse teams are constantly, at all seasons, employed in hauling goods from these two ports, besides many other teams occasionally; they pass through the dividing ground between the Atlantic and Western waters, as they would otherwise return empty, like a ship in ballast; they take in flour on the way, generally at half the price for carriage at which the flour will sell at the ports; but if they were not to be certain of back loading in returning, they would not take the gift of the flour on condition of hauling it; but if they were to haul no more goods than what the flour would purchase, or than what is consumed in the country, one barrel out of twenty could not be hauled. The goods are taken to Pittsburg, Monongahela, Wheeling, &c., and boated to the western parts of Virginia, Kentucky, Ohio State, and even to Tennessee. If the carrying trade from the goods brought in the wagons was not permitted, the produce would not find a market, and the imported goods would come much dearer to the consumer. Probably Pennsylvania, in which there are a greater proportion of citizens who reside at a distance from a seaport than in any other State, have felt earlier and more severely the effects of British aggression than the citizens of any other Atlantic State. The flour sells so low since these aggressions commenced that the wagoners return unloaded, and prefer hauling the feed for their horses to hauling flour.

Mr. F. said the protection secured by the Constitution to commerce was well stated and enforced by his colleague, (Mr. SMILIE,) and need not be repeated. It is well known that the Eastern and most of the Middle States were engaged in commerce, both direct and circuitous, almost from the commencement of their colonization; that restraints on the commerce by the British Government was one principal cause of declaring Independence. The power to regulate and protect commerce was endeavored to be vested in the old Congress, and the necessity of obtaining that power was the moving cause of changing that form of Government. Therefore, his colleague was right in stating that the commerce of the Eastern and Middle States has an equal claim to protection as the agriculture of the Southern States. If we denounce the character of one class of citizens, such as the merchants as a body have been denounced on this floor, we may go on and denounce another and another class until one State denounces another, and so put an end to the Union, and destroy all confidence between citizens of different professions as well as between different States. Congress is fully vested with the power of regulating commerce with foreign nations, and consequently with the power of protecting and of restraining it. Congress can limit the extent to which what is called either the direct or carrying trade ought to be permitted, but as far as any trade is authorized to be carried on, it is entitled to protection.

Mr. F. said, that though he absolutely denied that the resolution was a measure that in justice, or on the acknowledged principles of the law of nations, led to war more than any other resolution submitted to the Committee did, yet he acknowledged that it would occasion more privations than some of them. It would lessen the supplies of some kinds of such manufactures as we were accustomed to consume. It would, in some measure, change the accustomed channels of commerce. It would for some time, no doubt, lessen in some degree the amount of our revenue, but by no means to the terrific amount suggested by some gentlemen who have spoken in opposition to the resolution. Our merchants, possessed as they are of a sufficient number of ships and a competent

amount of capital will, in the pursuit of their own interest, find a sufficient supply of manufactures from other countries, and thereby encourage a competition with the manufacturers of Britain; and even if for a time they fail in doing this, they will procure British goods from other countries, to which they will be transmitted at a considerable loss to the owners, so that our necessary wants will be supplied and our revenue suffer very little defalcation, and our own manufactures be encouraged. This is, however, supposing the worst that may happen—it is supposing that Britain will have so much lost all respect to her own interest as to persevere in her aggressions contrary to her interest; this she has rarely heretofore done, and her relief is fully in her own power. Let her only act as before last August.

Mr. F. said that, after all, the question is not so much whether we shall adopt the resolution now before the House, as whether we shall agree to any measure of any kind to strengthen the hands of the Executive in negotiating with Britain. That we should do so he considered as absolutely necessary; but the choice of measures would be governed by the view of their expediency, all things considered. What will be the consequence of neglecting to do anything? To answer this question, let us examine how the case stands.

We are officially informed that the President has made every effort in his power to negotiate. Failing in the object of these efforts, he has officially laid the case before Congress, which is exclusively vested with competent powers to prescribe rules in such an emergency. They only have the Constitutional power of declaring war, if that is expedient; but as the intention of declaring war is equally repugnant to the wishes of those who support the resolution as it is to those who oppose it, and as the British Treaty secures to both nations the right of prohibiting importation, it is evident that however the aggressions complained of might justify war, it is the wish of all the members to use every other practicable method to procure redress rather than resort to war; but if no measures are adopted to induce Great Britain to enter into a reasonable negotiation, it had been much better that the President's Message and the documents accompanying it had never been referred to this committee, and that the resolution before us, or any other resolution with a view to the same object, had never been discussed; because, the subject being once discussed, and no measures agreed to calculated to procure redress, Britain will be justified in believing that Congress approve of what the President considered as aggressions, especially as some of the arguments on this floor were not only an apology but a vindication of the adjudications of the British courts, if not of the impressments.

After making some apology for detaining the House so long, Mr. F. requested permission to make a few observations on a subject which, though it had no relation to the question before the House, yet it had more than once been introduced by the gentleman from Virginia, without being called to order. Every member knows that some subjects had been discussed with closed doors early in the session, and that the confidential obligation was not yet removed. The gentleman who introduced the subject, (in language not very decorous) knew that it had no connexion with the question before the House. He would not pretend to arraign the gentleman's motives, but the evident tendency was to excite an unnecessary alarm in the minds of the citizens. Be his intention what it would, it it would not very extensively have that effect. All well-informed citizens knew that the House had a Constitutional authority to close the doors, when the subject in their opinion required secrecy; and every member experienced in public bodies knew, that even an allusion to what was discussed with closed doors was never permitted, however innocently or inadvertently it was done, without an immediate call to order; and for a very good reason, because it could not be replied to. Mr. F. said he had been many years a member of public bodies, and often sat with closed doors, but never before this occasion observed such allusions made to it in public debate without a check. It is well known that the members never, for their own sakes, wish to sit with closed doors. They know that when they do so, some important restraints in favor of decency and order are wanting.

The gentleman from Virginia and other members who sat in the seventh Congress know that a subject was discussed and decided with closed doors, in conducting which that gentleman was a principal agent. The injunction of secrecy was not taken off till after the meeting of the first session of the next Congress, nor even yet is it wholly removed. The gentleman from Virginia knows this, and knows that it has never been complained of, nor in this manner introduced on the floor. It is well known that (with very few exceptions, such as laying an embargo, &c.) the doors are never closed except on foreign affairs, communicated in confidence by the President; that even these are not kept secret on account of our own citizens, but on account of our foreign relations—not only on account of the nation that may happen to be the subject of the communication, but on account of other nations who might interfere to our injury—and sometimes on account of the agent there, from whom important information may have been received. This, the gentleman from Virginia knows well. It is vain, by any such arts, to persuade the citizens that the majority of their representatives would knowingly betray their interests when the doors were closed. Their constituents have a much better security than open doors, or even oaths. They have a common interest with their representatives, and their representatives with them. They could not betray the interests of their constituents without betraying their own. Mr. F. said he was a farmer; his sons and his sons-in-law were farmers; and his grandchildren most probably would be farmers; and his constituents were as generally so as in any other district in the Union; and when he looked around him, he believed the majority of the members depended on agriculture also. The citizens knew this, and therefore knew that the members could.

not injure their interest without injuring the interest of themselves and their posterity.

Mr. EARLY.—Mr. Chairman, it is my intention, in submitting to the Committee those observations which I am about to make, to confine myself entirely to the merits of the question under consideration.

Upon this, as upon another recent occasion, our attention has been summoned at the outset of the discussion to what gentlemen choose to call the spirit of the nation. We are told, that this spirit had been awakened by the events which led to the introduction of the resolution upon the table, and had called upon us in a loud voice, to adopt energetic measures for the vindication of our national honor, and for the protection of our national rights. The facts, sir, are incorrectly represented. The people of this nation, indentified with the Government of the nation, will at all times stand ready to support that Government with the energies of the nation, when a proper occasion shall present itself. Governed by persons of their own immediate choice, they will confidently repose in such persons the determination of that question. Does it follow, that because they have pledged to us the support of the national energies, if in our judgment they are become necessary, that therefore we are called upon to take a course which may render them necessary? It is true that the apprehensions of the public have been excited, lest a period had arrived in which it would be necessary to put to risk the national peace. Yes, sir, it is too true that alarm has been spread through every quarter of the Union. But by what means, and from what sources? It has been by the incorrect views of the nature and state of the interests at stake, with which our public prints have teemed. It has been by magnifying representations of the injuries really sustained on the one part, and on the other, by imposing calculations as to the sacrifices demanded to effect redress. These incorrect views of the subject are believed to have been the offspring of mercantile influence. It is from this source, by these means, and through these channels, that the public apprehension has been roused upon this occasion. But it is our duty to unmask the influence which has produced the evil, and to let the nation know the true state of the question now to be decided. To let them understand what the injuries are which we are called upon to redress, and the nature and extent of the interests which we are called upon to sacrifice in effecting it.

We have been asked to leave out of view in the discussion, certain distinctions which exist in the country, These distinctions are of two kinds. First, of classes, agricultural and commercial, and secondly, distinctions arising from geographical position. As to the first: we are told that the agriculture and commerce of a nation, are necessarily dependent upon each other, and therefore the prosperity of both should be equally the object of care to the Government.

Whilst I am willing to acknowledge the correctness of this reasoning in its fullest extent, as applied to the natural and usual trade of a country, to the foreign and domestic trade of consumption; I am very far from being prepared to admit it as applied to the carrying trade. It is believed that however confidently mercantile men pronounce upon this subject, however well they may succeed in convincing each other, by a train of reasoning which takes the circuit of the world before it draws to a conclusion, yet upon minds uninterested in the issue they fail to produce conviction. For myself I very much doubt whether the diversion of our navigation and capital into an unnatural and factitious channel, does not, by diminishing the competition in our own markets, injure the sale and reduce the price of the produce of the country. This idea, sir, is advanced with diffidence, as indeed are those which I may at any time advance upon the probable operation of commercial arrangements. But, Mr. Chairman, do not gentlemen ask too much when they require of us to jeopardize the whole agricultural interest of the nation for the sake of that which in our opinion produces no benefit to that interest? Is it not expecting too much of us to suppose that we will consent to surrender the certainty of good markets and high prices for our produce, and brave the danger of a total stagnation, for the purpose of embarking in a hazardous contest with Great Britain for the carrying trade? Sir, it is too much; gentlemen ought not, cannot expect it. They who are so eagle-eyed, so sensibly alive to whatever concerns themselves, must expect that we will not shut our eyes upon matters so important to ourselves, and to those whose trusts are confided to our fidelity.

We are also asked to leave out of view geographical distinctions. In this Mr. Chairman, gentlemen expect impossibilities; they require us to surrender the principles of self-preservation; to strip ourselves of the leading stimulus to human action. To this requisition we can less accede than to the former. Look to the document from the Treasury which lies before us. It will there be found that the whole amount of domestic produce exported to Great Britain and her dependencies for the year 1802, was $18,727,000; that of this amount, the articles of cotton, tobacco, rice, tar, pitch, and rosin, which are exclusively the product of the southern section of the Union, gave the sum of $8,450,000. For the year 1803, the whole amount exported to the same places was $22,700,000; of which $11,000,000, arose from the articles above enumerated. For the year 1804, the respective amounts were $19,000,000, and $9,400,000. The average of the whole amount for the three years was $20,200,000; the average of the amount upon the enumerated articles for the same time was $9,900,000, of which last amount, the sum of $8,800,000 arose from the articles of cotton and tobacco alone.

Thus, sir, stands the relative amount of the exports to Great Britain and her dependencies of the products of the southern section of the United States and those of the whole Union; and in this relative proportion of course must their different interests be affected by the adoption of the resolution.

Mr. Chairman, there is another view of the operation of the resolution, which we cannot avoid to press upon the attention of the Committee. From the same document it appears that the average amount of the tobacco for the three years, 1802, 1803, and 1804, exported from the United States, was $6,140,000; that of this amount, the proportion of $3,220,000 was exported to Great Britain. That of the article of cotton, the average amount exported for the same three years was $6,970,000, of which $5,630,000, was exported to Great Britain.

Do not gentlemen expect too much when they ask us to shut our eyes upon these facts? Do they not require of us to abandon the best interests of those we represent? And should we not most shamefully betray the sacred trust reposed in us, by acquiescence on our part? The gentleman from Pennsylvania (Mr. GREGG) who moved the resolution, ought least of all to expect this surrender at our hands, when it is recollected how little sacrifice will be imposed upon the agricultural interest of his own State, by the adoption of the proposed measure. The articles of wheat and flour are not subjects of export to Great Britain, unless in times of famine or extreme scarcity.

But the resolution, we are told, only prohibits importation from Great Britain, leaving the exportations from this country to that as they now stand. Very true, sir; this is the operation of the resolution itself, and if it were to produce no reaction, all might end well. But will Great Britain not retaliate? Is she that submissive animal, which would crouch to any hand that might inflict a blow? No, this is not urged; but it seems her manufacturers are so dependent upon us as consumers, and the manufacturing interest in that country so numerous and so powerful, that the British Ministry could not persist in any system of retaliation. The case of the American Revolution has been cited, and extracts from an author of credit read to show the early resistance made by the manufacturers of that country against a prosecution of the war. This citation, as well as the whole history of the war, are unfortunate arguments for those who use them. What, sir, was the fact? Did the manufacturers prevail in their opposition? They did not. The war continued seven years in spite of them. Yes, sir, notwithstanding their most spirited resistance, an unpopular war, conducted by a weak Administration against a spirited and powerful opposition in Parliament, lasted seven years. And what at last brought it to a close? The resistance of the manufacturing interest? No, sir, the peace was produced by an accumulation of more than one hundred millions to her public debt; by the loss of armies; by the universal conviction of the impracticability of accomplishing their purpose. Great Britain, sir, has never shown herself of a temper to yield to the pressure of circumstances. Such a temper is the least characteristic feature in the conduct of her present Minister. Upon what ground then do gentlemen found their hopes? Will a contest with this country be unpopular in England? It will not. The principle for which she contends is a necessary agent in the prosecution of the continental war. She is now fighting for her existence as a nation. The only vulnerable part of her enemy is the commerce of neutrals between that enemy and his possessions. Her opposition to this commerce is founded deep in the struggle she is now making for her own preservation. War with us would be to her a minor evil to the surrender of the ground she has taken. Look at the late celebrated treatise so often cited in this debate. You see there this idea in every page. With this impression firmly riveted upon the minds of the people of the British nation, you have nothing to hope from the popularity of your cause. Have you any ground of hope from the expense of a war to her? It would not cost her a single cent. No man believes she would think of landing an army upon these shores. The war would be on commerce. The high seas would be the theatre of hostilities. Look at her present naval establishment. What is there now to give employment to it? Nothing. The fleets of her enemies are gone—they are annihilated. Your commerce in every sea would enrich her sailors and naval officers. Your revenue would be cut up by the roots, your credit would sink, and your public debt increase beyond calculation. Upon gentlemen's own premises, then, I perceive no hope that we would reduce Great Britain to terms by the adoption of the resolution. But, sir, their premises are not well founded. The manufactures of that country would find their way into this in spite of your resolution. The gentleman from Virginia pointed out to you yesterday the neutral channels through which they would be imported. But, sir, it is not through neutral channels alone, that we should receive them. Are no conclusions to be drawn applicable to this question, from the remarkable circumstance that the French soldiery are even at the present day clad with British woollens? Are no conclusions to be drawn from the act of the British Parliament passed last summer, establishing certain free ports in the West Indies, and especially licensing a trade between them and the ports of her enemy? These things show the disposition of the British nation in relation to any trade necessary to give vent to the surplus manufacture or product of herself and her dependencies. Will it be said that any attempts at a similar conduct in relation to us, might be counteracted by ourselves? Those who are in the habit of trade, and those who understand the evasions which are habitual to the unprincipled part of the mercantile world, tell us no.

The measure contemplated would therefore be weak and inefficient as it would respect Great Britain, and as to ourselves, oppressive and ruinous in the increase of price we should pay for her manufactures.

But, Mr. Chairman, the impressment of American seamen by British cruisers, is held out as one of the objects of redress in the contemplated measure. This, sir, is a grievance which no man will attempt to deny or palliate. It is an evil calling so imperiously for redress, that almost any sacri-

fice ought to be made, provided it would answer the purpose. But do gentlemen, can they seriously believe that this resolution will produce the desired effect? Can it be for a moment supposed, that a measure at best weak and inefficient—a measure which in its operation must press with fourfold weight upon ourselves, will produce any serious diversion in our favor, by increasing the number of objects, of which you intend to compel the surrender on the part of your adversary? My fear is that it would only make bad worse, and that instead of 1,500 seamen impressed on board British ships of war, we should have as many thousand made captives, and compelled to fight against their own country.

The resolution under consideration proposes an insurance upon terms vastly disadvantageous. The premium and the risk are out of all proportion. What, sir, is the premium? The sum of $800,000, the amount of revenue estimated to accrue from the carrying trade. What is the risk? The almost certain sacrifice of the agricultural interest of the nation—the almost certain event of a war, and the consequent risk of the destruction of the Constitution and liberties of this nation. For one I cannot underwrite such a policy. I will not pledge my constituents to insure upon such terms.

But we are asked, must the carrying trade be surrendered? In return we ask, must the agricultural interest of the country be sacrificed to preserve it? Must we plunge into a war to preserve it? Must we put to risk the Constitution and liberties of the nation to preserve it?

Mr. Chairman, this nation is at peace. We are happy in the enjoyment of our rights at home. We are prosperous beyond the example of any other people in the world. We enjoy the fruits of our own industry, abundantly supplied with all the comforts of life, and increasing rapidly in wealth by good markets for our produce. The merchants receive a profit upon their trade, coextensive with the highest wishes of rational men, and when confined to fair neutral commerce, pursue their occupations with security. Is this a state of things which should be put to the risk of chance for such a boon as the carrying trade? Is this a state of things which should be jeopardized for the profit of a few merchants in a few mercantile towns?

It is known to this House that a negotiation is depending with the Court of St. James upon the subject-matter of complaint. It is also known that at the date of our last despatches, hopes were entertained by our Minister there, that the discussions would assume a feature more favorable than they had heretofore exhibited. Whilst this negotiation is depending, and the issue in total uncertainty, does it comport with even common prudence to be taking measures, which would infallibly blow it up?

Again, sir, I beseech gentlemen to turn their eyes to the continent. Let them consider the magnitude of the events there passing, in such rapid succession, as not to suffer the mind to pause and reflect upon their even probable bearing. Those events must lead to a state of things, which it is not within human sagacity to foresee. That state of things must have an important bearing upon the relations of this country. The war, from the spirit with which it is prosecuted, must either have an early termination, or an entire new direction. If terminated, there is an end of the present difficulties. If a new direction is given to it, what alteration may thereby be produced in the situation of our relations, cannot be even divined. Mr. Chairman, I put it home seriously to gentlemen, whether this is a time—whether such is a situation—whether these are the circumstances in which to take a step which must inevitably lead to a disruption of all the relations between this country and Great Britain? I am sure it is not prudent—I believe it would be the height of madness.

We have been told that the measure could give no just cause of offence. Is it possible that gentlemen who understand so well the temper of the nations of Europe, should place any reliance upon that idea? Do not gentlemen know that the justice of the cause is the last inquiry the governments there make? And can it be expected that Great Britain would make the inquiry at all in a case, where she considers her national existence at stake; and when she has already thrown herself upon the plea of necessity for the very conduct of which we now complain!

Such are the views of the subject which I have thought it proper to take. They are views which come home to the actual condition of the people of this nation. Let that people fairly understand what the sacrifices are, which we are asked to make for the purpose of effecting redress. And let them then decide this question. Gentlemen cannot but know what that decision would be—it would be against their resolution.

For myself, were I to vote in favor of the resolution, I know not with what kind of sensations I should meet my constituents. Upon my return into the bosom of those who sent me here, instead of being hailed with affectionate congratulation, I should expect to meet their reproach, and should add to it the most bitter of all reflections, the consciousness of having deserved it.

Mr. McCreery—Mr. Chairman: I am extremely sorry that the gentleman from Georgia, as well as many others who have spoken on this question, should entertain an idea of the carrying trade so exceedingly erroneous as it respects us. Do gentlemen suppose that every American vessel which has coffee, sugar, or any other West Indian produce on board is engaged in what is called the carrying trade? If our vessels engaged in the West India trade, and which carry out American produce, together with some European goods, sell, as they often do, for double the cost, and bring back much more West India produce than can be consumed at home, what must become of the surplus? We must certainly be permitted to export it; and although it is not the produce of our soil, it undeniably is of our industry, and therefore as much entitled to protection as the other.

But we are told, sir, that our merchants are

covering belligerent property, and to prove this, a celebrated pamphlet called "War in Disguise," is now quoted on this floor as gospel. For my part, sir, I consider that production entirely apocryphal; but, sir, here is a production which I always consider orthodox—here is the report of our Secretary of the Treasury; this I have examined, and what does it say? If, by his report, we shall find that the articles we import from the West Indies do not exceed in value the goods our merchants send thither, where will the author of "War in Disguise" find this so much talked of covered property?

According to this report it appears that in 1804 we imported from the West Indies in

Molasses, gallons 5,747,256, at 25 cents cost there - - - - -		$1,436,814
Pimento, lbs. 663,648, at 10 cents -		66,364
Cocoa, lbs. 1,481,564, at 12 cents - -		177,787
Coffee, lbs. 46,768,089, at 18 cents -		8,407,456
Sugar, 113,434,409 lbs., or 1,012,464 cwt., at $7 - - - - -		7,087,248
Indigo, 282,503 lbs., at $1 25 - -		353,129
Cotton, 2,056,764 lbs., at 20 cents -		411,340
Rum, 6,862,347 gallons, at 50 cents -		3,431,173
		21,371,311
And we exported to the West Indies in the same year, viz:		
In American produce to the amount of - -	$11,266,163	
Foreign do. - - -	4,587,620	
	15,853,783	
Freight and insurance 33⅓	5,284,294	
		21,139,377
		231,934

I hold it fair to include freight and insurance, for although a man may send his own vessel, and stand his own underwriter, he will always make these calculations before he undertakes an expedition; and considering the nature of the trade we have been carrying on there, this allowance is very moderate. And now, sir, let me ask, what is there left of masked property for the author of "War in Disguise," and my Lord Collingwood? Why, truly, the mighty sum of $231,934!

But, sir, independent of this statement, where is this mighty sum about which so much fuss is made, that we are screening from Great Britain? Why, in France, no doubt! And what does it amount to? I will tell you, sir. Our whole exports to that nation in 1804, consisting of our own and foreign produce, amounted to $8,800,000. Now, sir, I do suppose that most of the coffee we have sent thither came to us from St. Domingo. I would therefore ask the author of "War in Disguise," or any one else, whether they really think the black nobility of St. Domingo have been sending their produce, masked under our flag, to supply their friends in France? The whole of this allegation is too absurd to merit a serious refutation. The fact is, that of this 8,800,000, we receive payment in French goods to the amount of about 1,800,000, and the residue, together with the surplus of our other exports to Europe, is remitted to Great Britain to make up the balance of 12,000,000, which our trade with her annually subjects us to. Now, sir, who has the best right to complain of us in this business? Certainly not England.

We are also told that if this resolution passes, our exports to Great Britain will be materially affected. Although the resolution does not go to prevent us from sending our produce thither, I will examine that part of the argument of the gentleman from Georgia respecting tobacco.

The whole of our export of that article in 1804, was 83,000 hhds., and if you will take your pen and calculate the population where this tobacco is consumed, you will find they amount to about eighty-three millions, which gives to Great Britain the consumption of about 14 or 15,000 hhds. Now, sir, you will find that in 1803 we exported to that nation 50,000 hhds., and on an average we send them near 40,000 hhds. annually. What is the consequence? That by sending more than they can consume, the price is kept below its intrinsic value; whereas, were we wise enough to send them no more than they do consume, the price would be always good: for it is an axiom in trade, that when the medium of consumption is exceeded, the price must fall; whereas, if the supply is deficient, it occasions a competition in the market, which never fails to raise the article above its real value. It will therefore be highly advantageous to the tobacco planter that less of it goes to Great Britain.

On the subject of our revenue, we are often exultingly told that it comes exclusively off the farmer and planter, who are the great consumers. Let us examine this question.

Our imports amounted in 1804 to about eighty millions, whereof fifty-six millions were re-exported. Of the remaining forty-four, how much is consumed by the farmer and planter? I compute the population of our seaports to be about one-eighth of that of the United States, and from the luxury and waste, the extraordinary consumption of liquors, tea, coffee, sugar, &c., &c., and even of salt, of which I do believe one ship commonly consumes as much as ten farmers—that these towns consume one-third; which leaves thirty millions out of sixty to the farmer and planter.

As to the article of cotton, it would appear that of thirty-five millions exported, about twenty-five go to Great Britain; and although I do not know accurately, I believe that part is re-exported the same as imported; but if not, it is well known that Great Britain must and will have it; and when it is considered that they at this moment command Spanish wool and French claret, they will find little difficulty in procuring our cotton.

I thought it incumbent on me to make these few remarks to the Committee, because although they may have occurred to some, I believe they have not to all.

Mr. ELMER.—Mr. Chairman, I will rise to make

a few observations on the subject now under consideration, but I will not detain the Committee more than a few minutes. The resolution on your table is denounced by gentlemen as a war measure, but I cannot discern its tendency to that point. It is acknowledged on all hands that we have received from Great Britain repeated and grievous injuries. The whole American people are alarmed, and their feelings excited by the reiterated acts of oppression and insult. A gentleman from Georgia has told you that our constituents have not dictated any measures; it is true, they have not dictated, but they have complained, and they look up to the collected wisdom of Congress to devise a remedy for the evils under which they are laboring. This is the business upon which we are in part assembled, and it is the most important to which our attention will be called; we should therefore engage in it with all that seriousness and impartiality which its importance demands. Every member should divest himself of all national and party prejudice when he decides on a question in which the interest of his country is so deeply concerned. And can we, as men and as patriots, tamely submit to have our seamen impressed, and forced to fight the battles of a foreign nation, and to have our commerce embarrassed, interrupted, and perplexed, and the property of our citizens engaged therein condemned and made the property of the unjust captors? I trust not.

But we are told that peace is of all things most desirable, and that by stopping importation from Great Britain we shall provoke the wrath of that nation, and plunge our country into a most destructive warfare. But, sir, is this a true state of the case? Will this measure justify Great Britain in retaliating upon us in any hostile acts? Certainly not. I have an unquestionable right to employ or not to employ any mechanic or manufacturer, as my interest or convenience shall direct; and a nation has an equal right to trade or not to trade with another nation, as it may suit their policy so to do. We do not thereby infringe on any of their perfect rights; nay, I do not know that by refusing to receive the products of a nation we do thereby violate any of her imperfect rights. And let it be remembered, that no nation is justified in making war upon another, unless some of her perfect rights are invaded. Nor is every accidental violation of a perfect right considered as a just cause of war. The injury must be repeated, and every other mode of redress exhausted, or at least become extremely precarious, before a nation can justify herself in resorting to force. We have suffered an invasion of a national right, but we only wish to have recourse to peaceable means of redress—to withhold in a degree our intercourse with the nation from whom we have received the injury. If we adopt the resolution, Great Britain will have no pretext for making war. She will know the precise terms upon which she can regain our trade and friendly intercourse. The preamble will direct her inquiries, and lead her to the goal whenever she desires it. She will only have to cease from doing evil—to respect our rights—to do as she wishes to be done by—and an amicable settlement will immediately ensue.

We are, however, told that Great Britain will have no respect to the law of nature, the law of nations, or the principles of justice; that she will measure the rule of right only by the length of her sword; and that she is all-powerful by sea, and able to crush us before her. This is a distressing picture, indeed; but really I do not know that she has become so superlatively corrupt, and I do not believe she has. I trust she has some sense of right and wrong left, and some regard to the opinions of other nations. If I thought otherwise, I should be disposed to break off all intercourse of every kind, and withdraw from the touch of a being so highly polluted. And is her power irresistible? I have had some experience of her power, and I see no just cause to be alarmed. The people of the United States have no such mighty reason to fear her wrath. They know, from experience, her power is not irresistible. They have met it—they have repelled it. I should, indeed, fear to give her just cause of offence, and Congress ought to abstain from doing any improper or unjust act towards her. We ought to do nothing but what we could justify to ourselves, to our God, and to all the nations of the earth. With this confidence, we may safely trust the consequences to the direction of Heaven. It is a sound maxim, that it is better to endure the greatest inconveniences and evils than submit to reiterated wrongs and insults. We have suffered repeated wrongs. The measure before us is justifiable upon every principle of the law of nature or of nations. It is only necessary, then, to inquire whether it is wise and politic to adopt it in the present form. In this inquiry, all our discretion, all our wisdom, and all our patriotism, unfettered by prejudice or partiality, should be called in to our aid. Will the measure react upon Great Britain so as to induce her to relinquish her unjust claim to the capture of our ships and release of our seamen, or will it not? Or will it produce a reaction upon ourselves, which will be felt most sensibly by our citizens, and by our Government? These are the important and the only questions which we have to consider; and it is our duty to consider them fully, with all their bearings and tendencies. I confess I am not without doubts on the subject. That it will give us some shock, cannot rationally be questioned. Our revenue will doubtless be affected in some degree, and its clear amount diminished, at least for a time. Inconveniences will arise from the want of some of those articles of consumption which habit has rendered agreeable and useful; but these evils may and will be cheerfully borne, if they will tend to produce a great national good, and free our commerce from those injuries which it has sustained and continues to sustain from the depredations of Great Britain. If the manufactures of that nation are as important to her prosperity and strength as some of our wisest and best informed statesmen have represented, she will—she must—yield to our equitable demand, or bring upon herself an accumulated weight of distress.

Some gentlemen have said that this is an im-

proper time to react upon Great Britain; that she is now contending with the most powerful despot on earth for her liberties, and for her very existence; that she is now doing that for the freedom of nations which revolutionary France was doing some years ago; and that her sensibility will be excited by every measure which may have a tendency to affect and injure her in her struggle. I confess it would be ungenerous to press her unreasonably at this time, but surely it is not improper to call upon her in any way we think politic for justice, and the free exercise of our independent rights. These we are entitled to, and these she ought to yield us, or she cannot expect our friendship; and this is the most suitable time to call loudly upon her for them. She will, I trust—she most—give up her unjust claims, if we persist in this measure for any considerable time, or the consequences will be more injurious to her than any advantage her present conduct gives her.

If, however, the resolution now under consideration should be thought going too far, let us take up one less extensive and less energetic. A high degree of unanimity is extremely desirable on this important occasion. I am willing to meet gentlemen on any ground which may be thought tenable. If a total non-importation is not advisable, let us resort to a partial one, and adopt a measure embracing the object contemplated by the resolution offered by the gentleman from Maryland. We certainly ought, and we must, do something. Your table, Mr. Chairman, is loaded with complaints from all quarters of grievances and insults too intolerable to be borne by any people. It is true, the gentleman from Georgia has said the citizens of this country have a very imperfect and incorrect view of this subject; and that they have been imposed upon and misinformed by merchants, whose cupidity has led them to sound the alarm; and that, when they shall be correctly informed, and come to have true ideas on the subject of our differences with Great Britain, not one in ten will be found in favor of any measure in the form of the proposition on your table. But I trust the more the people are informed on the subject of their complaints, the louder and the more impressive will they become. It is the injuries they observe and feel, not the representations of interested men, that excite in them the sentiments they have expressed. Under these circumstances, and amidst the variety of complaints, shall we remain quiet? Shall we continue in session four or five months, at the public expense, remaining deaf to the cries of our citizens, and depart without affording them any relief? I hope not. We cannot expect to enjoy the privileges and advantages of our independence unless we firmly and resolutely maintain them. As an independent nation, we should feel no partialities towards any of the European nations, but treat them all with justice and humanity, meeting their friendship by returns of friendly actions, and repelling their aggressions by lenient but manly firmness.

Much pains has been taken to represent our complaints as trivial and incapable of redress. It has been said that we are injured only in our carrying trade, which has been represented as of little consequence, and not worth the expense necessary to defend it. This appears to be the idea which the gentlemen from Virginia and Georgia entertain of the business; but the subject presents itself to me in a very different complexion. To me it appears far more important to the United States than they represent. I consider it highly interesting not only to our merchants, but to our agricultural citizens. If we should abandon this trade totally, our wheat, corn, beef, pork, and other products of the Middle States, would shortly become a drug, and the price of them be greatly diminished in our market towns. Perhaps the Southern States might find a market in the ports of Great Britain for their cotton and tobacco: but if the carrying trade should be relinquished, the best market for those other staple productions of our country would be shut to us. By carrying these commodities to a foreign market, there exchanging them for the productions of that country, and after bringing them to our ports, exporting the surplus of them as well as some of our own productions to another foreign country—by which trade we are enabled as well to sell our surplus produce, as to pay for the manufactures of Great Britain which we consume. Further, would it not be highly degrading to our national character to relinquish so just and advantageous a trade to justify the whim, interest, or caprice of any nation? If we permit Great Britain to substantiate her present doctrines, she will most assuredly extend in her demands and the strictness of her doctrines, until she leaves us no trade worth defending, neither circuitous nor direct. But shall we tamely submit, without one effort to escape this degradation? Shall we not rather do what is in our power to ward off the evils that surround us? The gentleman from Georgia has said that he should be ashamed to meet his constituents if he should give his assent to the proposition before us. But whatever may be the sentiments of the people of the South, I believe those to the Eastward would be dissatisfied if we should rise without taking any measures upon this momentous subject. They look for something from our hands, and I hope we shall not rise until we have devised, and put in operation some plan whereby we may redress the grievances under which our citizens groan, and of which they have so loudly complained.

The Committee now rose, and had leave to sit again.

SATURDAY, March 8.

Mr. COOK submitted a resolution, for the continuance of the duty of two and a half per cent. on goods chargeable with ad-valorem duties, commonly called the Mediterranean fund, on the condition that the same be exclusively applied to the augmentation and support of the naval force, and the protection of our ports and harbors against insults and injuries.—Ordered to lie on the table.

The SPEAKER laid before the House a letter

from the Secretary of State, accompanying statements of applications made to the British Government, in cases of impressment of American seamen, prepared in obedience of a resolution of the House, of the sixth of January last; which were read, and referred to the consideration of a Committee of the whole House on the state of the Union. The report is as follows:

DEPARTMENT OF STATE, *March* 5, 1806.

The Secretary of State, in compliance with the order of the House of Representatives of the 16th of January, directing him to lay before it "a return of the number of American seamen who have been impressed or detained by the ships of war or privateers of Great Britain, whose names have been reported to the Department of State, since the statement was made to the House, at the last session of Congress; mentioning the names of the persons impressed, with the names of the ships or vessels by which they were impressed, and the time of the impressment; together with any facts and circumstances in relation to the same, which may have been reported to him: stating also the whole number of American seamen impressed, from the commencement of the present war in Europe, and including in a separate column the number of passengers, if any, who may have been taken out of American vessels coming to the United States from Europe," has the honor to transmit herewith the names of nine hundred and thirteen persons who appear to have been impressed from American vessels, and whose names have been reported to the Department of State since the last statement was made to Congress; together with a discrimination in the particulars required by the order, except as hereafter mentioned.

The aggregate number of impressments into the British service, the commencement of the present war in Europe, is found to be two thousand two hundred and seventy-three.

It is not easy to distinguish, with accuracy, how many of these persons were really not citizens of the United States, but the column of remarks, added to the list in lieu of this discrimination, will exhibit some ground for judging of the fact.

It has not been deemed necessary to make a separate column for impressed passengers, as this description of persons have been reported to have been impressed but in the few cases subjoined.

It is proper to observe, that a small part only of the period since the last statement there was an agent for seamen for the Leeward islands at Jamaica; the gentleman who then held the charge having resigned it, and another, who had been appointed to succeed him, having declined accepting it. The agent appointed for Antigua having been absent from that island since his appointment in May last, no returns have been received from the Windward islands. From these circumstances it is very probable, that many impressments have been made in the West Indian seas, which, though of recent date, are not included in the present report.

All which is respectfully submitted.

JAMES MADISON.

A memorial of the Corporation of Georgetown, in the District of Columbia, was presented to the House and read, praying that the Levy Court of the county of Washington may be authorized to levy and collect a tax on taxable property within the City of Washington, for the purpose therein mentioned.—Referred to the committee appointed, on the fifth instant, on the petition of Robert Brent and others, Commissioners of the Levy Court, for the county of Washington.

IMPORTATION OF BRITISH GOODS.

The House again resolved itself into a Committee of the Whole on the state of the Union, on Mr. GREGG's resolution.

Mr. ELLIOT.—To replace the present question upon the ground which it originally occupied, to examine it with a view to its real merits, and its merits alone, however hopeless might be the task, would certainly be a very useful one. It has indeed been considered as indicative of a species of madness to attempt to stem a torrent which is known to be irresistible; but it is said that there is sometimes method in madness, and there is always honor in a gallant death in a good cause. It is in vain to conceal the fact that this resolution is devoted to destruction; but its supporters owe something to their own feelings, and they owe much more to their country. It will probably be admitted, Mr. Chairman, on both sides of the House—for it will not be pretended that there are more than two sides upon the present occasion, whatever confusion of parties may sometimes appear to exist upon this floor—that a more interesting crisis of our national concerns than the present, in reference to foreign relations, has not existed since the adoption of the present Constitution. Some of the best interests of our country are at stake. But it is not believed by all that our Constitution and liberties are involved in any possible issue of this question. Before we even had a Constitution, while the elements of our political system were almost without form, and void, the liberties of this people were safe in their own hands, and trumphant over the power of that nation whose vengeance, it is said, we shall provoke by the adoption of this resolution. Our Constitution and liberties are safe. The scene is not so awful, but it is impressive. I repeat it, sir, we owe much to our country. The friends of the resolution are prepared for the fate that awaits it; but they have taken their ground from reflection, and they cannot, they will not abandon it against conviction, until overpowered, as indubitably they will be, in the contest.

Two classes of arguments are marshalled in opposition to the motion, one of which is addressed to our hopes, and the other to our fears. To our hopes—of what? Of honorable and successful negotiation, if this measure be abandoned. Great Britain will do us justice if we ask it once more. On what is this hope founded? Let us not go too far back. It was said in ancient times to be dangerous, and doubtless it is dangerous still, to rake open the ashes of a flame not yet extinguished. Do our hopes repose upon events of recent date? Upon the long-continued impressment into her naval service of many of our useful citizens, citizens entitled to the same rights with ourselves, except that they are not delegated to represent the people within these walls? An outrage which no nation but Great Britain practices, and to which no nation but America sub-

mits. Upon the constant interpolation of new principles, destructive of our neutral rights, into the venerable code of the laws of nature and nations, or rather the systematic perversion and prostration, to our serious injury, of some of the most sacred principles of those laws. We can soon dismiss this branch of the subject. Coolly and deliberately systematic, severe and unbending, has the injurious conduct of Great Britain toward us long been. Unconnected with strong measures on our part we can discern no reasonable ground for hopes so flattering. Prospects so delusive have no charms for the supporters of the resolution. We repose no confidence upon the justice and liberality of Great Britain, further than as those virtues may correspond with her interest. To that we wish to make an appeal. With myself it has long been a settled opinion, that she would go to war with us whenever it should be her interest to do so. We wish for peace, we raise our voices for negotiation, but for negotiation sustained by measures of an energetic and commanding character.

The other class of arguments is addressed exclusively, permit me, sir, to say exclusively, to our fears. Gentlemen have taken a gloomy view, indeed, of this part of the subject. While we can hope nothing, we must fear everything from the adoption of the measure. We shall injure ourselves greatly, and Great Britain not at all; we shall inflict a deep and fatal wound upon the agriculture of our country; we shall sacrifice the interests of the people of the Southern portion of the Union, by provoking retaliation, to the preclusion of the only market for their staple commodities, besides subjecting them to the deprivation of foreign manufactures without which they cannot subsist; we shall destroy the most productive source of the national revenue; we cannot, after all, support the system; we must abandon it with disgrace, or persist in it to our destruction. It will even produce war with all its horrors, and the destruction of the Constitution. It is at one moment a weak measure, at another a war measure, and sometimes both. Do we get over or go around these objections? Do we not state them in their full force, and meet them fairly? Formidable as they are, we shall even endeavor to repel them. One of those great men of whom modern times have been so justly proud, a writer whose rare combination of the powers of mind, render him at once eloquent and sagacious, has advanced a principle which forms an excellent corner stone for the superstructure of argument on which the friends of the resolution rely. Peace is the natural effect of trade. Two nations in habits of commercial intercourse have reciprocal interests; if one has an interest in buying, the other has an interest in selling; and their mutual wants and interests cement their union. The quotation is not verbal, but substantial; it is from memory. Had the immortal author of the Spirit of Laws been gifted with prophetic powers, he could not have described with more accuracy the relative situation of Great Britain and the United States at the present time. To prove this let us turn to the interesting report of the Secretary of the Treasury, just laid upon our tables. Here is the annual amount of commerce between us and the dominions of Great Britain, calculated on an average for the last three years:

IMPORTS.

From the dominions of Great Britain in Europe, (Gibraltar excepted)	$27,400,000 00
From the British East Indies	3,530,000 00
From the Northern British colonies in America	540,000 00
From the British West Indies	4,570,000 00
	36,040,000 00

EXPORTS.

To Great Britain, in Europe, (Gibraltar excepted,) including clearances for England and a market, and flour and wheat, which are not permanent articles of exportation to Great Britain, and including foreign merchandise re-exported	$15,690,000 00
To the British East Indies	130,000 00
To the Northern British colonies	1,000,000 00
To the British West Indies	6,480,000 00
	23,300,000 00
Total imports	$36,040,000 00
Total exports	23,300,000 00
Balance against us	12,740,000 00
Our annual imports from all the world amount to	75,316,000 00
Of which we import from Great Britain	36,040,000 00
Balance from other countries	39,276,000 00

Almost half our imports, therefore, are from the British dominions, and the balance of trade is twelve millions of dollars against us. However inaccurate or inconclusive may be the ideas sometimes annexed to what is called the balance of trade, it is evident to common sense that the nation which sells to another every year manufactures of the value of twelve millions beyond the whole value of the productions of the other nation which she buys, must be carrying on, in that particular, a very profitable commerce. It was said by sages of old time, that, whoever Deity determined to destroy, he first made mad. Is Great Britain devoted by Providence to destruction? Can she be so mad, so outrageously and incurably mad, as to deprive herself forever of this very gainful commerce, in revenge for our exercising an unquestionable right, in consequence of the wrongs we suffer? Can her wise Government, for wise it certainly is, adopt so strange a course of conduct? But, after all, many are skeptical as to the injury to be done to Great Britain. I am not one of those who anticipate the ruin of her manufacturing establishments from this measure, and perhaps they will not even be paralyzed, but her manufactures will certainly diminish in price, and she will be under the necessity of searching out new channels of trade by which to pour

them off from her shores; this may be the extent of the injury, but it will be sufficiently serious to induce her to do us justice. It is contended that the injury to ourselves will be incalculable. I think it may easily be estimated. It will be nothing more, calculating upon the continuance of peace, than a small augmentation of the price of the articles which we shall obtain as substitutes for British goods, a temporary fall of the prices of some of our own productions, and a small decrease of the revenue. But it is thought by some that we must starve or freeze in six months without British commerce. Are the days of the Revolution so soon forgotten? Of our annual imports from Great Britain, of the value of about twenty-seven millions and a half of dollars, upward of twenty-six millions in value, is composed of goods paying duties ad valorem, and embracing, with inconsiderable exceptions, all the woollen, cotton, linen, silk, metal, earthen, glass, and paper manufactures, and only $1,340,000 of articles paying specific duties, and consisting principally of salt, steel, lead, nails, and porter. These, it is said, cannot be obtained elsewhere, particularly coarse woollens; and we shall be told that our habits have placed them upon the list of necessaries. But our habits can change. Our importations are chiefly composed of the luxuries and conveniences of apparel. If the public good require it, we may dispense with luxuries, or rather our conveniences may become luxuries, our necessaries conveniences. The truth, however, is, that we can obtain similar articles, or tolerable substitutes, on the continent of Europe. From Spain we can get silk handkerchiefs and velvets, as well as wines and fruits. From Portugal, not only fruits and oils, the product of that country and of Italy, but Lisbon salt in any quantity, wine, brandy, and some East India goods. From France, wrought silks, superfine broadcloths, calicoes, and chintzes, printed goods, linens, cambrics, lawns, lace, cotton fabrics, salt, writing paper, brandy, wines, and all the productions of Italy and the Levant. From Germany, Holland, and the north of Europe, several kinds of linen, cotton, and woollen manufactures, broadcloths, kerseymeres, coarse woollens, Russia sheeting, Silesian linens, cambrics, and lawns, damasks and diapers, glass, copper, and some iron manufactures, sheet copper, German steel, cordage, looking-glasses, calicoes, brass kettles, and many other articles. It is admitted that there are some woollen manufactures in Germany, and some cotton ones in France. Almost all the countries of the continent of Europe, if not now manufacturers for exportation, may become such, if circumstances make it for their interest; and such will be the effect of our refusing to import British productions. It will give a stimulus to the manufactures of other countries which will produce great effects; in the natural course of things, it will induce those countries to form new manufacturing establishments, and to extend and improve their old ones. Besides, it will induce them to sell to us a great part of what they now consider as necessaries of life, on account of the advance of price, and to replace them by importations from Great Britain at reduced prices. This increase of the price of articles for our own consumption will be a disadvantage, but we must bear a temporary and partial evil with a view to ultimate and general good.

The effect of this measure upon the revenue is a subject of great alarm; it is to render us bankrupt in fortune as well as reputation. The annual revenue of the United States, on an average of the three last years, has been $11,550,000, of which $5,432,000, are derived from our imports from the British dominions, and $6,118,000 from our imports from the rest of the world. This is certainly a very serious view of the subject; but we believe that this measure will not produce war, and of course that it will not paralyze our commerce. Our merchants will still be enterprising, and will have new inducements to enterprise; our flag will still wave on every sea and in every clime; from new sources and channels of commerce we shall derive articles similar to those now imported from Britain, or tolerable substitutes; and the increased price of those articles will add something to the revenue, while it will be in some degree diminished by the general effect. Gentlemen of great commercial information, have calculated that the revenue will not be diminished to the amount of one million; but let us suppose that it will be lessened two millions, or even $2,550,000. With only nine millions instead of eleven and a half, it is certain we cannot expend three or four millions for the support of Government, and sustain besides the annual appropriation of eight millions for the payment of the national debt. But let us suppose the worst, and what follows? We may submit to the usurpations of Great Britain on the ocean, we may throw at her feet everything but nominal independence and honor, we may disgrace and degrade ourselves in the eyes of the world, and we shall extinguish our national debt in 1816, 1817, or 1818.

On the other hand, we may assume a manly and dignified national spirit, we may recall the principles and the habits of the Revolution, we may arm our Government with sufficient energy to vindicate and maintain our national rights, we may command respect from other nations, and we shall extinguish our national debt in 1824, 1825, or 1826. This may be the alternative in the last resort, but for the present we can increase the ratio, and of course the quantum of the duties which constitute the revenue. In hard times we must expect to bear hard burdens.

The adoption of this measure, we are told, will throw an unequal and unreasonable weight upon our Southern brethren; it is feared that it will not only lessen the price, but utterly preclude the market, of their staple export commodities. Here we ought to pause and reflect; and if such an evil will flow from this source, we ought to abandon the project.

Upon reflection, we do not believe that such will be the consequence. The two great articles of Southern exportation are cotton and tobacco. The value of our annual exports, for the three last years, to the dominions of Great Britain in Europe

only, has been $15.690,000, of which the value of cotton has been $5,640,000, and of tobacco $3,220,-000; both together $8,860,000. Deducting from the gross amount of $15,690,000, the sum of $2,260,-000, for foreign goods re-exported, we have $13,-430,000 for all the articles of domestic produce, and of course the Southern States furnish nearly two-thirds in value of our domestic exports to the European dominions only of Great Britain. But our exports to the British colonies, in all parts of the world, consist of the productions of the Northern and Middle States; of provision and live stock, lumber, naval stores, potash, furs, and foreign merchandise, acquired by the carrying trade. And cotton and tobacco are now exported to other parts as well as Great Britain: the total annual value of the exports of cotton being, $6,940,000, and of tobacco $6,143,000, these two articles (and there are no other of consequence exported from the Southern States except rice, which is comparatively of inconsiderable value) amounting in the whole to $13,083,000, which, deducted from $39,-928,000, the whole amount of exports of domestic produce, leaves $26,845,000, for the exports almost exclusively of the Northern and Middle States. It is not believed that this measure will shut up the British market for a raw material so necessary to their manufactures as our cotton. A non-importation is not in itself a non-exportation. Our exports may still go to Great Britain, as it will be her interest to receive them. But suppose she adopts measures of retaliation against her interest, and excludes them. When we know that even in the present war she opens free ports in her colonies for a partial commerce with her enemies, and when we are told that the French armies are now clad in British manufactures, can we doubt that the British Government, with that depth of commercial as well as national policy for which it is distinguished, will, whatever may be its ostensible acts, open some indirect channel of trade by which to supply itself with an article so essential to the system of its manufactures? Besides, as I have already observed, in reference to importation, even the profusion of the British market would open a new one for this article in France and other countries, by holding out an encouragement for them to extend and improve those manufactures of which it forms the raw material. The only effect upon the articles of cotton and tobacco would be a small decrease of their price, and perhaps that only temporary, and would not a similar effect be produced upon the productions of other parts of the Union? Would not the price of the exports of the Northern and Middle States, of our beef, pork, butter, cheese, dried and pickled fish, flour, wheat, corn, lumber, and all other articles, be affected? Unquestionably. We hoped this would have been viewed as a great national question upon a great national scale, and not made a local one. But does not the carrying trade, which we wish to protect, present a local question also? Is it not also exclusively carried on by citizens of the Northern and Middle States?

It is said that this trade produces a revenue of only $850,000. But what is the amount of the trade, and why does it not produce more revenue? The annual value of articles of foreign produce re-exported to all parts of the world, is estimated at $28,533,000. It produces but a small sum, because it has been deemed good policy not to tax it, but to cherish, to patronise it, as a source of industry and profit.

But some gentlemen are not inclined to protect this trade, and some even hazard an opinion that it is injurious to the country. We thought the principle advanced by able writers on political economy was equally settled with men of science and men of common sense, that the amount of the real wealth of a nation is composed of the combined amount of the produce of its land and labor—of its industry upon the ocean, as well as upon the *terra firma*—and that five millions of dollars earned in the carrying trade, the product of labor on the seas, by citizens of the United States, and incorporated into the great stock of our national wealth, were just equal to five millions of dollars acquired by the labor of the husbandman. The impressment of our seamen, too, may be viewed as a local question. Those unfortunate men belong to the Northern and Middle States. Gentlemen seem to consider them as persons of no character or consequence—mere adventurers on the ocean, wandering beyond the limits and the powers of the national jurisdiction and protection. Not so. They are men and citizens; they have friends, connexions, and a home, and are employed in an honest occupation; and surely the impressment of thousands of them, in a state worse than that of African slavery, on board those floating castles which spread terror through the world, is a local question of as much importance as the price of cotton and tobacco. On this subject alone the friends of the resolution are prepared to say that strong measures ought to be adopted, and ought never to be abandoned, until our flag shall be suffered to protect those over whom it waves. If the American eagle is disposed to sink beneath the feet of the British lion, he can expect nothing but contempt and outrage; but it is in his power to take a more elevated situation—to soar out of reach—and be at once secure and triumphant.

Not only are the peculiar interests of our Southern brethren to be sacrificed by this measure, but it is to lead to war with Great Britain! On what is this idea founded? On the cool, calculating character of her celebrated Minister. It will be in itself no cause of war; it is a commercial regulation merely; and we have the same right to adopt it that Great Britain has to pass those laws by which she imposes greater duties on the exportation of goods, wares, and merchandise, to the United States, than are imposed on similar articles exported to the nations of Europe. It is neither more nor less than a commercial regulation—a part of the system of managing our own concerns in our own manner—and it ought not to be presumed that it will produce war. Can Great Britain wish, at the present moment, to add to the number of her enemies? She is, indeed, the soul of a powerful coalition, but she has a powerful enemy to contend with. She is fighting, not the

battles of the human race,; not for the rights and privileges of the people of Europe; least of all for the rights and privileges of the people of America; but for her own national existence. Her wooden walls, like those of ancient Athens, which by the direction of an oracle are said to have preserved that celebrated city from destruction, constitute the only barrier between herself and ruin. Are we the enemies of Great Britain? Not at all, except in war: enemies in war, in peace friends. We love the British people; we should be monsters if we did not, for British blood flows in our veins. We venerate those monuments of British learning and of British liberty which have so long adorned the dark scene of Europe. We respect the power and the ability of the British Government, and we will respect its magnanimity and justice when it shall respect our rights. And are we the eulogists and flatterers of France? The last task we should wish to undertake would be that of adding new gems to the Imperial Crown of the Emperor of France and King of Italy. I speak for myself alone, but I do not believe that the friends of the resolution have any peculiar partiality for Emperors and Kings. We would wish to navigate our political bark to any other port than that bestrode by the Colossus of universal empire. We have differences with other nations besides Britain, but do we prostrate ourselves at their feet? We wish to treat nations as they treat us; for it is impossible for nations to pursue, with success, any other course of conduct. We would use them well or ill, in proportion to the degree of friendship or injury we receive. With other nations, weaker measures may succeed, but the injuries we sustain from Great Britain demand strong measures, and we believe the one which is now proposed will produce the desired effect. Not that we are hostile to negotiation, but we wish to give to the instrument of negotiation a new tone. We fear that if this measure be not adopted, no energetic one will be; and that the report, Mr. Chairman, which it becomes your duty to make, on retiring from that chair every evening, and yielding it to the honorable Speaker, that "the Committee of the Whole have had the state of the Union under consideration, and come to no resolution thereon," will continue to be the lame conclusion of every day's discussion during the present session. Having done our duty in supporting this resolution, we shall be as willing to meet our constituents as those gentlemen who give a different vote. We wish for peace; we are anxious to avoid war; but we cannot submit to national disgrace.

Mr. D. R. WILLIAMS.—Mr. Chairman, I feel the necessity of apologizing to the Committee for that portion of their time which I shall occupy; not presuming to offer reasons to others why this resolution should not be adopted, I beg their indulgence, while I do that which presents itself at the time as a duty, to declare what are my reasons for voting against it; the deep stake my constituents hold in the measure is my apology.

Such is the magnitude of the subject under discussion, spreading itself over a prodigious extent, running to the heart of some of our most valuable institutions, subverting unmeasurably the plighted faith of the Government, and overturning the foundations of a considerable portion of our revenue, that I feel myself inadequate to trace its influence over even a ramification of that vast interest it lays hold of, much less do I pretend to a view of the whole ground; but, imperfect as that comprehension is, it takes in much more than sufficient to fill me with fear and trembling for its consequences.

We have heard, during the last three days of the present discussion, a great deal said about the spirit of the nation, and that it demands energetic measures. Sir, I ask the gentlemen who urge this as an argument, if there had been as much pains taken to apprize the nation of its true position with Great Britain as there has been to alarm it, whether its anxiety would not have been, at least by this time, quieted? If gentlemen, standing in such a responsible situation to their constituents, as they do upon this floor, had, instead of urging war measures, spoke out the plain language of truth, that at the date of Mr. Monroe's last despatches, Lord Mulgrave had acceded to his request to enter upon an examination of the dispute between the two Governments, whether they would now venture to represent the spirit of the nation as excited in every part of the continent? I presume not. But whence do they learn that this spirit is so excited? It is true we have received spirited resolutions from two towns in Virginia, and a few well-written memorials from a few merchants at a few of the seaport towns, refuting the British doctrine; but what else do they say? At Baltimore they believe "redress for the past may be found in amicable explanations." From Philadelphia you are called upon for a naval force for the West India station. Why? To defend their trade to St. Domingo, I suppose, for that appears to be the pith of the memorial. The merchants of New York pledge themselves to support "all measures *adapted*," reserving to themselves the right to judge—not such measures as may be adopted by Congress. From Boston "a special mission" is recommended. The inhabitants of the town of Salem tell you "they wish to take no part in the contests which now convulse the world." Where else than from these documents do gentlemen find the spirit of the nation? Certainly not from the Cabinet, nor from the Executive, for if it were good authority to talk about what we hear out of this House, they have no such wishes. Is it fair then to force the passage of this resolution by attributing that to the nation which perhaps it does not feel; which it certainly would not, if it were fully apprized of its situation abroad, and which the memorials on your table do not speak? Does the resolution provide for "amicable explanations," for a "special mission," for a squadron on the West India station? No such thing, sir.

In arguing this subject it is material to ascertain what is the true cause of our present dispute with Great Britain, and to what extent it goes. I say cause of dispute, because it strikes me that,

had not the present difficulty arisen, her insults offered in the impressment of our seamen, were in train for amicable adjustment, and will be arranged when the present uneasiness shall be quieted. It cannot be unknown to gentlemen that an investigation of that subject was nearly completed, and in fact would have been, but for the hasty departure of our then Minister from the Court of St. James.

It is taken for granted that the present aggravations originated in her attempts to cramp, say destroy, if gentlemen like it better, our carrying trade. This is the grand pivot on which the whole machinery of national honor, and dignity, and wrongs, and insults, are made to turn. Yes, sir, this carrying trade which Spain and Portugal once shared, but could not retain; which Holland attempted to monopolize; which Van Tromp and De Ruyter fought for, but which she was obliged to relinquish; this carrying trade is the bone of contention for which the sweat, the blood, the lives and fortunes, of the American people are to be lavished in maintaining. And what is this carrying trade? Is it anything different from a partial right, which but a very small part of the community can enjoy, which but a small portion of that part do improve? Is it not a right which is still problematical—whether the exercise is of real national utility? There are many who believe it has been of no solid advantage to Great Britain herself, notwithstanding she has possessed a much greater share of it than any other nation. Certainly it has been the cause of several long and ruinous wars to her, and if we look back a little upon our own experience we shall see it has been the germ from which has sprung all our difficulties with that Government since the commencement of a political hurricane—the French Revolution. Since that period our commerce has become a rival of increasing strength with that of Great Britain, and finding it to grow in this branch above competition to the exclusion of hers, she has commenced a system to counteract it, and has commenced it, I have no hesitation in saying mildly, to what it will progress, if we drive her to it. Gentlemen are surely not unmindful of the untameable pride of that Ministry; they cannot forget that it is formed of men who never do acts of aggression by halves, and who feel no other restraints than those of power. National rights, injuries, and insults, are not graduated on the scale of their policy. The only inquiries with them are, Can we gain by the war? Is this the time to strike the first blow with the most effect? I need not give an instance of this fact. If Great Britain ever had waited for a just cause of war, that is, when she wished for it, we might console ourselves with our safety in agreeing to this resolution; but it is well known that she never did, and in my opinion, with her present Minister, she never will. Do gentlemen then wish for war? How is it possible they can believe that this measure will not produce it? Sir, I would rather vote for war than for the resolution, and indisputably it would be the better of the two evils, because under the operation of the resolution Great Britain can amuse you with negotiation till she had completed her precautionary measures, and would then break it off, or what is worse, commence the war first, and make that the denouncement to your peace Commissioners; whereas the reverse would be the effect under a prompt declaration of war. Here we should strike the first blow. She holds upwards of $20,000,000 of your public debt. Her merchants and capitalists, notwithstanding the declaration to the contrary by the honorable gentleman from Pennsylvania, (Mr. J. CLAY,) I believe, have additional enormous sums in this country; if you suffer these to slip through your fingers, you may as well whistle as attempt to make an impression upon her afterwards. I know, sir, the Treaty of 1794 bars this measure; but this Committee are not now to learn that Great Britain herself has given frequent proofs that the parchments of peace have no influence over the deeds of war; the order of the day would be to do each other the most harm, and we certainly should not be so squeamish as to be restricted by the provisions of a treaty, which never ought to have been made, from inflicting the worst punishment upon our enemy. But, sir, neither of these measures need be resorted to. If gentlemen will only delay the decision, and they appear very much disposed to do so, just time enough for fair discussion, they will see that this resolution goes to the destruction of the great mass of the community, to the entire sacrifice of the whole of the agricultural interest, to the probable advantage of a small portion of the commercial world. There cannot be a clearer position than this; the whole of the agricultural will be sacrificed to a part of the mercantile interest. A trade which must be supported by such means is not worth preserving; it is in no way reciprocal, and never can be carried on to the advantage of the whole nation, while its circumstances are so desperate as to involve the peace and happiness of the country.

Is it fair to draw a comparison between this favorite branch of commerce, to support which the whole energies of the nation are to be held in requisition, and the other branches? What does it yield to the revenue? The Secretary of the Treasury, eagle-eyed as he is, has searched the whole record through, to the last page, and has not been able to discover more than $850,000 per annum. Are gentlemen prepared thus to relinquish the sources—to cut up by the roots the supplies to Government of at least $6,212,000 to preserve $850,000? To say nothing about the immense disadvantage, the causes of such conduct should be most cogent and necessitous. Are there any such causes? To men whose minds are inflated with those high notions of honor and dignity which have been the burden of every war-speech to the British Parliament, and to maintain which, poor John Bull has waded up to his eyes in national debt and national misery, there may be such causes; but to men of plain understanding, who measure the quantum of national honor and dignity abroad by the degree of national happiness and virtue at home, and who understand nothing more or less by these terms than blood and

taxes on the people, there have been no such causes offered. Sir, I will never vote to plunge this nation into a war—I believe this resolution to be nothing short of it—to preserve the foreign, partial privileges and advantages of any set of men, or the separate interest of any description of the community whatever. By war we can gain nothing; we have everything to lose. Many years should roll over us before we admit more than one cause of war, when negotiation has been exhausted. There is a line round this country, which, when trespassed on, should burst the faculties of every man's soul into hatred—should kindle all the fiery particles of his system into a flame of vengeance and redress. It is upon such an occasion, when the whole mass—when the people are invaded, we should think of war; not when a few merchants find themselves hampered by foreign commercial regulations. There are other remedies for this disease. War is worse than the disease itself. I spurn the thought of relinquishing any one right of our fellow-citizens. I only wish to show that this is not the measure best calculated for the present injuries; and am I therefore an enemy of the merchants? A hatred of war measures does not involve the idea, but I freely declare I am not. There are many among them whom I respect; some I love; and when such permanent commercial regulations shall be proposed, as shall secure to the merchant his rights and privileges, without endangering the peace of the nation, I will then prove as friendly to his interest, as I possibly can be on any other occasion, to any separate interest whatever.

Sir, I am opposed to this resolution, because, when you have deprived the Government of the revenue which is derived from the importations contemplated to prohibit, I know not how the deficiency is to be made good. Gentlemen who have digested this subject, perhaps may. I shall be glad to hear from what source they will secure to the nation the permanent appropriation of $8,000,000 for the redemption of the public debt, How will they effect the disbursements of the civil and the pension lists? How pay the army? How support the navy? (A very important item, sir.) That navy upon which has been, and still is squandered such enormous sums of money, that even the Secretary himself cannot tell what it will cost to repair a single frigate; that navy, for the support of which the expenditures for the last year exceeded the estimates by at least sixty per cent.; that curious navy, indeed, which costs less to keep the whole in service than a part—for such is made to appear by the report of estimates and details of expenditures on the table.

When the advocates of the resolution have done this—when they have provided for the ordinary, I shall be glad to hear from them on the extraordinary expenses of the Government. One party are determined to fortify New York, where immense sums have been already expended; Newport must not be forgotten, for there too has been a scene of prodigious folly and extravagance; Baltimore is not safe; Norfolk is exposed; Charleston is in danger. I have a letter in my pocket, from the Governor of South Carolina, which states, that there is mounted upon the ruined fortifications of Charleston but one gun, and that is a four-pounder on a crazy carriage. At one time, you hear that your ports and harbors must be fortified; at another, with all the solemnity of a death warning, your Navy must be augmented. In the name of God! where is all the money to come from? Is that single, solitary million, about which so much has been said, to do all this? I believe, and I trust there will be a majority with me, that neither of these measures are necessary if you will pursue a line of conduct just to yourselves, prudent and moderate to others. I would rather ask, Why are all these extravagances to be blundered into? Are gentlemen determined on war? If so, let them speak manly and outright—and then we shall understand each other—but I suspect not, considering the quarter the resolution came from. Why, then, all this rashness, all this eagerness to rush into the mischiefs which hastened the ruin of the former Administration; and into war measures, when peace is as desirable now as it ever was, and is as easily maintained? The nation is prosperous and happy, to a degree of prosperity and happiness the annals of the whole world bear no analogy. Is it prudent, is it wise, is it expedient to tear up the foundations of all this prosperity and happiness, when they are not even threatened by the rough, the unhallowed hand of war? God forbid!

Take the British rule, enforced lately in its greatest latitude. It does not affect the exportations of your own products, in the least, nor your imports for domestic consumption, or the exportation of the surplus of that trade, except as to the regulations of reshipment. Those branches of commerce remain as free and as unshackled as formerly. What is the comparative importance of the carrying trade with these? Their interests run parallel with the other great interests of the community, and are so intimately connected that the vibration of a stroke on one, is sensibly felt by all the rest. But this other branch, this carrying trade, carries no principle of reciprocation with it, but is entirely confined to the few merchants who embark in it. In what degree are the general interests of the nation affected, by the right which that honorable gentleman from Massachusetts (Mr. Crowninshield) has, of lading his ship at Batavia with cotton, and carrying it round to Canton upon freight? So far as it yields him a profit I rejoice, and wish to maintain the right for him; but, certainly, not at the expense of the lives and fortunes of the whole people, especially when they are no sharers with him.

We have witnessed, and sorely felt, the injustice and deliberate robbery of Great Britain on a former occasion, to a tenfold greater degree of importance than the present, yet she retracted her errors, and made us amicable adjustment of the injuries. Shall we take the same important stand now, upon a less important occasion, than we did then? I hope not, sir. At any rate, let us go to this work with clean hands. Before we attempt to coerce Great Britain into justice, we should set

her an example of it. Is there any gentleman in this House prepared to say our merchants have not given some cause of aggression? Have they never been detected covering enemies' property? Is it reasonable to believe there is active American capital enough to carry on the trade of France, Spain, Holland, and our own besides? I presume not, sir. We should look well to our own acts before we commence war upon another nation for its injustice towards us.

I cannot vote for this resolution. I believe it calculated to produce greater injuries than are now complained of, and not redress for those already committed. I should abuse the indulgence of the Committee, to show that Great Britain would go to war with you, rather than remain at peace under the operation of a law bottomed on this resolution. There is no proposition clearer to my mind. It would be equally a loss of time, to prove that peace is the true interest of this country; the whole nation attest it. Will you outrage that general sentiment by adopting the measures least calculated to procure a change of her injustice?

The influence of this resolution, if agreed to, will be incalculable. Thousands of innocent persons must inevitably fall sacrifices to its enormous pressure. It will throw convulsions over the whole body politic. It is to avoid these convulsions, to spare the spasms necessarily resulting therefrom, to every neighborhood in the United States, that I vote against it.

What will be its operation on the banking interest? Sir, if it could annihilate the whole system, if it could erase every fragment of its massy walls, without tearing down others, I would rejoice; for I believe the very system to be a national curse, erecting the most potent political engine against the freedom of our institutions that can be devised. But this is impossible. The mercantile world is so enveloped in bank influence, that they feel a run on the banks as they would a shock of electricity. There are established within the United States, not less than eighty banks, which keep afloat, certainly, at least fifty-five millions of paper dollars. Will gentlemen venture on a line of policy which shall promptly stop such an immense circulating representative of specie without previous concert, without previous notice? Indisputably, the merchant would be the first victim; but the destruction would not stop with him, nor can any gentleman say where it would stop, for merchants are so much like bricks which little boys set up in rows for their amusement, knock one down and they all go. When a merchant fails, all within the vortex of his endorsements and his interests fail with him.

I mean not to be presumptuous. It is with great diffidence I ask, What would be the effect of a course of conduct like this? Let the Congress of the United States declare, in a manly and dignified manner, what are the rights of citizens of this country which they are determined to maintain. Let the President of the United States be requested to open a new negotiation with the Court of St. James, and in addition to such representations as he shall think proper to make, to lay this declaration before that Court, together with such commercial regulations as may be adopted. The commercial, the manufacturing interest of that country, understand so thoroughly their connexion with this, it is reasonable to believe that their influence, which is admitted to be very great with the Ministry, will induce it to tread back those steps of wanton and unprovoked injuries they have made upon our fellow citizens, and to which their own sense of justice might not otherwise lead them.

I cannot refrain from entreating the attention of the Committee to an act which passed the last session of Congress, at the special influence of that particular description of merchants who are now loudest in their complaints. It is dated, 22d February, 1805. The second section reads thus:

"That it shall be lawful for any ship or vessel to proceed with any goods, wares, or merchandise, brought in her, and which shall, in the manifest delivered to the collector of the customs, be reported as destined or intended for any foreign port or place, from the district within which such ship or vessel shall arrive, to such foreign port or place, without paying, or securing the payment of any duties upon such goods, wares, or merchandise, as shall be actually re-exported in the said ship or vessel," &c.

From this act may be fairly dated the British doctrine. Not content with the then facilities of their carrying trade, with which they were growing wealthy, they must have them increased; they grew covetous of the small duty they paid to Government for the neutral character it gave their cargoes; they were unwilling that the poor day-laborer who unloaded and reladed their vessels should partake of the blessings of this trade, they grasped at that pittance too. Is it to be expected, sir, that we shall thus extend this branch of commerce, with which we are always clashing with Great Britain, and she will sit still, an idle spectator? Here, then, the merchants understand me. The carrying merchants, and their friends, have dished up their own injuries. For one, I am determined not to work out their salvation at the expense of everything dear to the nation.

Mr. BIDWELL.—Mr. Chairman: I came into the House this morning with an intention not to trouble you with any observations on the interesting subject which has been several days under consideration; and I do not now intend to enter into a discussion of the particular measure proposed in the resolution on your table. But the debate has taken such a course that I am induced to request your attention, a few minutes, to the extraordinary view which has been exhibited of our dispute with Great Britain.

A gentleman from Georgia (Mr. EARLY) yesterday told us that a general alarm had indeed pervaded the nation, respecting our relations with Great Britain; but it had been excited by incorrect views of the state of the dispute, and when the subject should be fairly explained and rightly understood, the alarm would subside. He added, that the carrying trade, out of which our differences have grown, is of little value and not wor-

thy of national protection. The same opinion, in substance, was expressed on a former day by a gentleman from Virginia, (Mr. J. RANDOLPH,) and you have just heard it repeated by the gentleman from South Carolina, (Mr. D. R. WILLIAMS,) who last addressed you.

I agree with these gentlemen that, in order to determine what Legislative measures, if any, are necessary to be adopted, it is important, in the first place, to understand the true nature and extent of the controversy between the two Governments; and, as their understanding of it is very different from mine, I beg the Committee to accompany me in a concise review of it.

The injuries complained of are all on one side, and are entirely without provocation. Great Britain has no cause of complaint against us; our Government has been conducted in such a manner as to give her no occasion for offence.

The claims, on our part, relate to two classes of injuries—the impressment of our seamen, and the seizure and condemnation of our vessels engaged in a neutral trade. The acts thus complained of as injuries, are undeniable facts. It is certain that Great Britain does impress our citizens and compel them to serve on board her ships of war; and that she does also seize and condemn vessels belonging to citizens of the United States, and their cargoes, being the *bona fide* property of American citizens, not contraband of war, and not proceeding to places besieged or blockaded, under the pretext of their being engaged in time of war in a trade with her enemies, which was not allowed in a time of peace.

Against these injuries, our Executive, through the proper organ of negotiation, has offered repeated remonstrances, and made a determined stand in behalf of the United States. These are the two great points in dispute. They were in general terms communicated to us in the President's Message at the commencement of the session, and more particularly in his subsequent Message of the 17th of January, to which I beg leave to recall the attention of the Committee. It is in these words:

"In my Message to both Houses of Congress, at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles derogatory of the rights of neutrals, and unacknowledged by the usage of nations. The memorials of several bodies of merchants of the United States are now communicated, and will develope these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

"The right of a neutral to carry on commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country, (with the exception of blockaded ports and contraband of war,) was believed to have been decided between Great Britain and the United States by the sentence of their Commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of the damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived, with others more novel, and extending the injury, instructions were given to the Minister Plenipotentiary of the United States at the Court of London, and remonstrances duly made by him on the subject, as will appear by the documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has, therefore, been instructed to urge this subject anew, to bring it more fully to the bar of reason and to insist on rights too evident and too important to be surrendered. In the meantime the evil is proceeding, under adjudications founded on the principle which is denied. Under these circumstances, the subject presents itself for the consideration of Congress.

"On the impressment of our seamen, our remonstrances have never been intermitted. A hope existed, at one moment, of an arrangement, which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those of our neighborhood. The grounds, on which the reclamations on this subject have been urged, will appear in an extract from instructions to our Minister at London, now communicated."

The instructions here referred to, interesting as they are, need not at present be brought into view. But, to show the precise points in dispute, you will permit me to read the paragraph respecting each of them, from the official and able remonstrance presented by Mr. Monroe, our Minister at the Court of London. On the subject of our neutral trade, he states to Lord Mulgrave, the British Secretary of State, that

"The vessels condemned were engaged in a commerce between the United States and some port in Europe, or between those States and the West India islands, belonging to an enemy of Great Britain. In the European voyage the cargo consisted of the productions of the colonies; in the voyage to the West Indies, it consisted of the goods of the Power to which the colony belonged, and to which the ship was destined. The ship and cargo in every case were the property of American citizens, and the cargo had been landed, and the duty on it paid in the United States. It was decided that these voyages were continuous, and the vessels and cargoes were condemned, on the principle that the commerce was illegal. I beg to refer more especially in this statement to the case of the Essex, an appeal from the judgment of the Vice-Admiralty Court at New Providence, in which the Lords Commissioners of Appeal established this doctrine."

Here is the new principle which Great Britain, through the organ of her Admiralty Courts, directed by the Ministry, has interpolated into her law of nations, and which Mr. Monroe, in behalf of the United States, agreeably to instructions from the Executive, has met with a firm and manly remonstrance. This is, then, the point on which issue is joined between the two Governments. The question relates to the carriage of cargoes, which, though of foreign production, are the *bona fide* property of American citizens, on board American vessels. It has no relation to goods belonging to foreigners shipped in American bottoms. That was once a controverted point, but it is at present entirely out of the question.

During our Revolutionary war, the United States, as well as the Northern Powers of Europe, made efforts to introduce, by conventional arrangements, the doctrine, that free ships should make free goods—that the property of belligerents might be carried on board of neutral bottoms, free from seizure and search. Great Britain refused to admit the principle. By our treaty of 1794, it was solemnly renounced on our part, and has never since been resumed. It would not now indeed be so important as formerly, for then the capital of our merchants was not sufficient to enable them generally to be owners of the cargoes carried in our vessels. Our mercantile capital not being equal to our tonnage, it was an object with our ship-owners to carry the cargoes of other nations, especially of belligerents, on freight. That freighting trade has, in a great measure, ceased. We are no longer mere freighters for foreigners, but have become the carriers of foreign as well as native produce, on our own capital, and for our own account. This is now the general character of our carrying trade.

There are instances, no doubt, although comparatively few of them, of the carriage of property belonging to foreigners in American vessels, on freight. There may be cases of fraudulent attempts to cover belligerent property under American names, with a view to give it an apparent neutral character. Such cases have occurred. There always have been, and so long as human nature continues depraved, there always will be, frauds committed in every line of business, and among every description of men. The covering of property, owned by belligerents, under American papers, is by no means confined to articles produced in foreign countries. It is equally applicable, and probably as often in fact applied, to the productions of the United States. It is as practicable, for instance, and the temptation is as strong to conceal under American names and papers, a cargo of Virginia tobacco or Pennsylvania flour, purchased here by a French or Spanish, or Dutch merchant, or his factor, as it would be to give such neutral appearance to a cargo consisting of the produce of any of their colonies. In either case, our laws give no encouragement or protection. We are not called upon to extend the protecting arm of Government, and if we were, we should be under no obligation, and, I presume, should feel no inclination to interpose. No, sir, the persons commencing such frauds, in common with all other violators of the laws of nations, are left to suffer the consequences of their conduct. Their property is liable to forfeiture; such cases, however, are not within the question pending between the United States and Great Britain, although they have been artfully or ignorantly confounded with it, to the prejudice of the claim asserted by our Government. That claim, as Mr. Monroe has correctly stated it, embraces only the *bona fide* property of American citizens, carried in American vessels.

The adjudications, as reported, and as referred to by Mr. Monroe, are bottomed on the principle that, although the property is American, and therefore neutral, yet, as it was produced in an enemy's colony, and is proceeding to the mother country of that colony, or *vice versa*, either directly or after an importation into the United States, with an intention of re-exportation, the trade in which it is so carried, not having been allowed to us by the belligerent in time of peace, as it is in time of war, is an illicit trade, as it respects Great Britain, and the vessels and cargoes engaged in it, therefore, liable to be seized and condemned.

In some cases, the fact assumed, as the ground of condemnation, that the trade was not allowed and enjoyed in time of peace, is not true. It can be proved from authentic documents—the official statements from our Treasury Department—founded on the custom-house returns, that, with some of those countries, we did carry on an important export trade, in a time of peace, before the present war. In those cases, our Government therefore may deny the fact, as well as the principle on which the condemnations have been founded. For the correctness of this observation, gentlemen are referred to the official statements of the Secretary of the Treasury.

But the principle of the adjudications cannot be admitted. The reason alleged in support of it is, that such a trade, in time of war, although not in articles commonly considered contraband, nor with places besieged or blockaded, is beneficial to the belligerent, and increases his means of war. Their reasoning goes beyond their rule, and is equally applicable to other cases, to which it has not yet been applied. The whole trade between a belligerent and a neutral, even in articles produced in the country of the latter, is beneficial to the former. It adds to his ability to prosecute the war; and may, therefore, for the same reason, be interdicted by an opposite belligerent. The principle, carried through, will deny us the transportation, not merely of the produce of belligerent countries, but the whole of our exports and imports to and from those countries, including the produce of our own. It aims a mortal blow at our carrying trade.

We have reason to believe that Great Britain is acting upon a systematic calculation, and with a design to engross the commerce of the world. She calculates upon our local interests, our party divisions, and a continued opposition to our Government, to disable us from uniting in any effectual counteraction of her measures. Under an impression that our Executive will not be effectually supported in the position he has assumed against her claims, she has taken this first step in her system to ascertain, by the experiment, how much we will bear, and how far she can safely go in applying her new principle. If we submit, if we do not make it her interest to stop, she will proceed in her encroachments, as surely and as steadily as time advances.

The gentleman from Georgia says, we had better sacrifice our carrying trade than our agriculture. Indeed, he thinks it a question whether that trade is not, upon the whole, injurious rather than advantageous to us, in a national view. I agree

with that gentleman and the gentleman from Virginia, in one point—the superior importance of agriculture. It is, in my estimation, the most important, the primary interest of the United States, considered in relation either to the numbers employed in it, or the utility and necessity of their employment. This is true of the United States as a nation. I believe it is also true of every particular State. I am sure it is of that with which I am best acquainted—my own native State. It is emphatically so of the district which I have the honor to represent on the floor of this House; for, like the gentlemen from Virginia and Georgia, I stand here as the representative of an agricultural district. My constituents, most of them, are proprietors and cultivators of the soil. But, sir, I am confident that I truly represent them in declaring the opinion, that agriculture and commerce are inseparably connected and mutually dependent. Their connexion and dependence grow out of the natural situation and circumstances of our country, and the immemorial usage and habits of our people. The God of Heaven has here joined them together, and it would be not less impious than impolitic to attempt to disjoin them and set them in hostile array against each other. There is no cause for such an unnatural hostility, but, on the contrary, every rational motive for reciprocal assistance and support. Sir, the produce of our farms, beyond our own consumption, must perish on our hands, or rather there would soon be no such surplus produce, if there were no commerce to carry it to foreign markets, and to bring us, in return, the productions of other countries, which we want and they can spare. This is the very end of commerce. Such a commercial exchange multiplies the comforts and increases the happiness of mankind.

The average annual produce of the United States, beyond what we consume ourselves, according to the late Treasury statement of our exports, amounts in value to about forty millions of dollars. It is carried to market chiefly by our own citizens, and in our own vessels, not a tenth part of our imports or exports being now shipped in foreign bottoms. By the enterprise of our merchants, these native exports are carried to every part of the habitable globe that is open to our trade. We thus have the benefit of a choice of markets, which we would not have were our commerce more limited, as it certainly would be, if it were in the hands of foreigners instead of our own enterprising citizens. Our produce, thus exported, is marketed wherever the greatest demand for it is found. It is not, it cannot be, generally sold for specie. It must be exchanged for the productions or manufactures of the respective countries where the sales are effected. If they were limited to specie, or even to such articles of barter as must be consumed in the United States, the sales would necessarily be less advantageous, and the market prices of our own produce proportionably lower. The commodities received in exchange, constitutes the return cargo. When it arrives here, it is as lawfully and honestly the property of the importing merchant, and as truly the object of legal protection and free disposal as if he had himself raised it out of the soil, or purchased it from the farmers. But the demand for home consumption may be already supplied by other similar importations, or the cargo may not be adapted to our market. In that case it must either be lost or re-exported to a foreign market, and there disposed of for cash, or in exchange for other articles of commerce. The importations into the United States, as stated by the Secretary of the Treasury, amount to seventy-six millions of dollars a year, comparing them by the scale on which the *ad valorem* duties are calculated, that is, by adding from ten to twenty per cent. on the prime cost and charges; but, reckoned according to their cost and charges, their amount is sixty-seven millions. Of these imports, it appears that twenty-eight millions and a half are re-exported, and the residue consumed among us. This re-exportation of imported articles is connected with the sales of our native exports, and indeed grows out of them. By way of remittance, it is also connected with the purchase of, and payment for, the imports which are consumed in the United States. It is, in short, an essential link in the chain of our commerce. It is a fair and valuable part of our carrying trade, and not, as has been represented, a "factitious interest," a "mercantile fungus," a "fraudulent speculation."

Whatever may be the suggestions of theory, it is too late to think seriously of introducing the Chinese policy, and withdrawing our citizens from all commercial pursuits. The Unitrd States are not a mere "land animal," to use the figurative description of the gentleman from Virginia, but a water animal also. Our people, from their colonial infancy, have always been a mercantile as well as an agricultural people. If commerce was not originally their natural employment, habit has given it the force of second nature. Before our independence, the restraints imposed on the trade of the colonies, by the operation of the British navigation act, formed one of the sources of our complaint, and one of the causes of the Revolution. The regulation of foreign commerce, not being provided for under the Articles of Confederation, was one of the principal objects for which a convention was called, and the Federal Constition framed and adopted.

The design of the Constitution, as expressed in the preamble, was, among other things, "to provide for the common defence and promote the general welfare;" not for the exclusive benefit of either farmers, or merchants, or mechanics, or sailors, or any other class of citizens alone; but for the general welfare of all classes, whether at sea or on land; not for the defence of agriculture or manufactures only, but for the common defence of all our national interests, including commerce among the rest. This appears to me to be the fair construction of the Constitution.

The gentleman from Georgia has told us, that this subject bears upon local interests; that it is itself a local question, and is to be so considered and decided. I am sensible there are local inter-

ests, and they sometimes influence our deliberations. I was never more sensible of their existence or their influence, than during the present discussion. I think I can discern their operation on that gentleman's opinions and arguments; and he may, perhaps, perceive them in mine; for it is vain to boast of exemption from such prejudices. But, sir, let us obey the injunction of the Constitution, and the dictate of duty. Let us endeavor to guard against those localities and competitions of interest. Let us take a fair view of the whole ground, and bestow the national protection upon agriculture and commerce in proportion to their relative degrees of importance. I am aware that the latter is not susceptible of the same perfect defence as the former, because one is within our own exclusive jurisdiction, and the other is on that element which is the common jurisdiction of all nations. It is, nevertheless, entitled to a reasonable protection, adapted to its nature. That portion of it which is now attacked, is, in the language of the Executive, "too important to be surrendered." There is no need of a surrender. By proper regulations commerce will furnish the means of its own protection.

The second ground of complaint against Great Britain is, the impressment of our seamen.

In addition to the President's communication on this subject, which I have taken the liberty to read, I might here introduce the conclusive argument contained in the instructions from the Secretary of State to our Minister at London. But it is unnecessary, as that interesting document is in the hands of every member. Yet I cannot forbear calling your attention to one paragraph of Mr. Monroe's remonstrance:

"On the topic of impressment, however, the motive is more urgent. In that line the rights of the United States have been so long trampled under foot, and the feelings of humanity in respect to the sufferers, and the honor of their Government even in their own ports, so often outraged, that the astonished world may begin to doubt whether the patience with which these injuries have been borne, ought to be attributed to generous or unworthy motives; whether the United States merit the rank to which, in other respects, they are justly entitled, among independent Powers, or have already, in the very morn of their political career, lost their energy and become degenerate. The United States are not insensible that their conduct has exposed them to such suspicions, though they well know that they have not deserved them. They are aware, from the similarity in the persons, the manners, and, above all, the identity of the language, which is common to the people of both nations, that the subject is a difficult one; they are equally aware to Great Britain also it is a delicate one, and they have been willing, in seeking an arrangement of this important interest, to give a proof, by the mode, of their very sincere desire to cherish the relations of friendship with her."

In this remonstrance, Mr. Monroe has spoken not only the language of our Government, but also the sentiments of every considerate true American.

That cruel, that abominable practice of impressment, in contempt of our unintermitted remonstrances, has been repeated and continued and increased, and is still increasing. There is no prospect even of relaxation. Impressments are now multiplying faster than ever before. They are connected with our other cause of complaint, the infringement on our neutral trade; for, when a vessel is condemned, or detained for trial, it furnishes an opportunity and a pretext for impressing the men thus thrown out of employment. Sailors are likewise taken out of any of our vessels in Europe, and the West Indies, in our coasting trade, and at the very mouths of our harbors, while pursuing their lawful business of carrying to market the lumber and fish of Massachusetts, the beef and pork of Connecticut, the flour of the Middle States, the tobacco of Virginia, the rice and cotton of Carolina and Georgia, and other exports of the United States, or imports from abroad. The number of these unfortunate seamen has arisen to an alarming amount. Though we have not yet received an official statement, which is expected from the Secretary of State, it is understood that between two and three thousand names have been returned to that Department, accompanied with proofs of their American citizenship; and it is believed that the list is necessarily a very partial one. Many poor fellows, impressed, perhaps, when no American witnesses were present, transferred from ship to ship, or removed from one station to another, have probably not yet found an opportunity of making any communications to their friends, and through them to the Department of State. There can be very little doubt that there are a sufficient number of our seamen in the British Navy, serving under impressments, to man at least five ships-of-the-line. They are not only withdrawn from our service, but made the instruments of aiding one belligerent nation in prosecuting their war against another.

American citizens may be voluntarily engaged in British employment, by land and sea, and British subjects may be, and unquestionably are, voluntarily employed on board our vessels, in our shops, and on our farms. That is a kind of intercourse which is not forbidden. It is common among nations, and cannot be a just cause of offence, or of impressment, by way of retaliation.

Gentlemen, I am afraid, have imbibed unreasonable prejudices against our seamen. Some of them, undoubtedly, are profligates and renegadoes. Such characters are found among all professions and denominations. But, in general, our sailors are a hardy, honest, brave, generous, though improvident race of men. Many of them are young men, from respectable families, in the seaports and inland towns. Others have families of their own, as dependent on them and as dear to them, as ours are to us. It is true, they are not generally opulent. If they were, they would be above the necessity of venturing on the stormy element for a livelihood. It is admitted that they are poor; but, is their poverty a sufficient reason for putting them out of the national guardianship? Their occupation is, indeed, a humble, a hazardous one; but it is as lawful and as honest as that of the farmer in his field, or the mechanic in his shop.

They are our fellow-citizens, and have as fair a claim for public protection, as we ourselves can have.

On a late occasion, when two or three hundred of them fell into the hands of the Tripolitans, the sensibility of the nation was touched in every nerve. All branches of the Government partook of the national spirit. Extra expenses were immediately incurred on their account. Yes, sir; you laid a new tax, an addition of two-and-a-half per cent. to the impost, on all articles charged with ad valorem duties. That additional tax was cheerfully paid by our fellow-citizens, for the purpose of redeeming their brethren from captivity. An extraordinary naval armament was sent to the Mediterranean. The services of our heroes, by sea and by land, were exerted, and their exertions were crowned with success. The captives were ransomed, and returned, with tears of joy and gratitude, to their country, their families, their friends, and their business. The whole nation rejoiced at the event. Is there any member of this Committee, who did not participate in the general joy? Is there any American who does not feel proud of this spirited interposition of our Government? What, let me ask, was the occasion? The captivity of three hundred of our seamen. And shall we, then, be passive, and do nothing, when ten times that number, of the same class of our fellow-citizens, engaged in the same occupation, are forced into a worse than African bondage? Sir, I have no personal knowledge of any of these sufferers, or their connexions, living remote from the usual places of their habitation and resort. Probably most of us, from our situations in life, are unconnected and unacquainted with them, and have not, therefore, a very lively sympathy for their sufferings. But, to bring their case home—let every one suppose he had among them, a son, a brother, a friend, or a neighbor, suddenly seized, while pursuing his lawful employment, interrupted in his plans of business, ruined in his affairs—not only prevented from returning but even writing to his friends—confined in a floating prison, obliged to labor without hope of reward; subjected to a discipline naturally rigorous, and rendered more intolerable by his reluctance to submit; treated, perhaps, with daily insult, liable to the blows and lashes of an unfeeling boatswain; and, what is worse, if possible, compelled to expose his limbs and his life in battle, to fight for his oppressor, against nations with whom neither he nor his country has any cause of war; remembering, in his intervals of relaxation, remembering, with painful contrast, the freedom of his native land and the endearments and delights of home, still hoping to be released through the interposition of our Government; but, in the meantime, enduring all the anxiety of suspense. I know not how others feel, but, for myself, I declare, were I reduced to the sad necessity of making a choice, I should prefer a Tripolitan or an Algerine captivity, to an impressment on board a British man-of-war. Sir, I am not describing to you an imaginary scene. Thousands of such cases actually exist. This is a serious fact, of which the world are now witnesses. In the face of the nation, it is officially made known to us, and, with the other subject of national complaint, expressly submitted to our consideration. We cannot shut our eyes against them. We cannot any longer be ignorant of them. We cannot, indeed, avoid acting on them; for, in the existing circumstances, even to do nothing, would be acting. It would be virtually surrendering those rights which the President is insisting on as "too evident and too important to be surrendered." It would be deserting him, on the national ground which he has taken, and on which he ought to be supported by the nation and the States, and every private citizen. It is a common cause. Not only our honor, but our interest is essentially concerned. With Great Britain, too, it is a question of interest. She has occasion for our sailors, to man her fleets and fight her battles. She wants our neutral property for the double purpose of depriving her enemies of the benefits of commerce, and, at the same time, supplying herself with the means of prosecuting the war. She will, therefore, proceed, until we convince her it is for her interest to desist.

It was not my intention, Mr. Chairman, in addressing you at this time, to examine the merits of the proposition immediately before the Committee, or any other particular measure proposed on the subject, but simply to take a view of the nature and extent of our differences with Great Britain, and our obligation to give the Executive some efficient co-operation. The President is performing his duty of negotiation, and for a faithful performance of it, he is responsible to the nation. In the meantime, he has left it with the Representatives of the States, and of the people, to determine what legislative measures, if any, shall be adopted, in aid of his exertions, and in support of our neutral rights. On Congress, then, on each House, on every individual member, so far as the influence of one vote extends, now rests the solemn responsibility of this determination.

The Committee now rose, and had leave to sit again.

Monday, March 10.

The Committee of Claims made an unfavorable report on the petition of the representative of Caron Beaumarchais, which was referred to a Committee of the whole House on Thursday.

IMPORTATIONS FROM GREAT BRITAIN.

The House resolved itself into a Committee of the whole House on the state of the Union, on Mr. Gregg's resolution.

Mr. Clark.—A sense of duty, prevailing over personal inclination, compels me, Mr. Chairman, to offer a few remarks on the subject under consideration. The measure now under discussion appears to me to involve the best interests of our country; the prosperity, the happiness, and the liberties of America tremble before it. In the hands of the resolution are contained the issues of life

and death, and it would be criminal in me not to throw in my mite to rescue our common country from the impending danger. The course which I shall take will differ in some degree from that pursued by those who have spoken in opposition to the resolution. I shall not attempt to draw any marked discrimination between the varying interests of the country, or invidious distinctions between the agricultural and commercial interests. I think they are so essentially united, that one cannot fall to the ground without tumbling the other headlong into ruins. I shall consider the subject relatively to its general policy, and whether, on the principles of that general policy or conditional compact, as has been contended by gentlemen, we are bound to adopt the resolution. If I shall succeed in convincing a single gentleman now in favor of the resolution, that we are not bound by the Constitution, and that it will be impolitic to adopt it, I shall consider this amongst the happiest events of my life.

The great objects of our federal engagement, in forming the compact under which we now live, were to establish justice, insure domestic tranquillity, and provide for the common defence and general welfare of society. Under this Constitution gentlemen call upon us, under the pretext of promoting the general welfare, to adopt a resolution which manifestly goes to the promotion of a minor interest. This compact, in providing for the general welfare, must mean that of the whole, or at any rate, of the larger portion of the community; it was never designed to promote a subordinate interest at the sacrifice of the general prosperity. Are we then bound by the Constitutional compact to adopt this resolution? I think not. Thus much as to the constitutionality of the question.

I must consider this resolution as a war measure, and viewing the policy and present situation of Great Britain, against which it is pointed, I have no hesitation to say, that in my opinion, it will produce instantaneous war. A maritime war, for such a one she will wage, will not add one item to her present expenses; neither will it embarrass her measures on the continent? It can have no such effect. She has eight hundred ships on the ocean, flushed with victory and conquest, and a part of her navy is at this moment triumphantly sailing almost in sight of your shores, ready at any moment to seize, should that course appear expedient to her, all our vessels navigating the ocean. It cannot affect her continental operations. The war she will wage, will be altogether maritime. Her navy cannot be essential against her continental enemies in Europe. Already have their fleets been annihilated. The victories off Trafalgar and in the West Indies, have cleared the ocean of almost every sail, and there remains no employment for her navy but to depredate your commerce; and she will do it, you may rely upon it. Those are but indifferently acquainted with Great Britain and the genius of the first Minister, who suppose all the power in their hands will not be made use of. Gentlemen tell you this is not contemplated as a permanent system of commercial arrangement, but a temporary expedient, which by its pressure is to bring our rival to a sense of duty, and make her do us justice. But this temporary measure will have on Britain all the effect of war. Declare war tomorrow, and it can only affect her trade. Can you believe that she will, with all her advantages, remain quiet? It is not her character; she will not do it. I should think contemptuously of her if she should. Will she suffer you to take war measures and not retaliate? Will she be more afraid of you with your four thousand troops, dispersed over the whole western country, and your thirteen armed vessels rotting in the Eastern Branch, than of that Power whose conquering arm has extended the limits of his sway beyond former comparison, and whose ambition is bounded only by the habitable world?

What was the conduct of that Government about the year 1801, when an armed neutrality was formed by a coalition of the Northern Powers? This measure was comparatively pacific; but did not the gallant Nelson enforce an abandonment of this measure with cannon at Copenhagen? Will she not do so to you? It is her interest, and will she not be governed by it? She has no other rule of action. Are we not then correct in considering this a war measure? And ought not gentlemen to abandon the vain illusion they have conceived? It is however said, that she will not be willing to increase the number of her enemies. But is she not well apprized, from the genius of the American people, that nothing is more desired by them than peace; and that the moment she does you justice, you will be bound to seize it; and that she may, therefore, calculate on making peace when she pleases? Will she not, therefore, use all her power to bring us first to terms, and then if she fail, come to terms herself whenever she pleases?

So much with regard to this as a war measure—for the irresistible conclusion in my mind is, that it will produce war. But suppose it should not produce war; will it not produce consequences equally fatal? Will it not destroy your commerce? Our exports will not be purchased, as the merchants will not fit out their vessels unless they can get a market for them. For this what are we to gain? The carrying trade. I beg leave here to make some remarks on the position of the gentleman from Massachusetts, and to examine the principle assumed by the British Government, by which it will be seen that the whole carrying trade is not affected by it. What is the ground which the prize courts of Britain take? That a neutral has no right to deliver a belligerent from the pressure of his enemy's hostilities, by trading with his colonies in time of war in a way not authorized in time of peace. This principle, so far as it relates to our Government, is not so unfair as gentlemen seem to imagine. Let us apply it to Britain and France. As to Great Britain she is contending for her liberties and her very existence, and although I shall not contend that a nation at war has not the right to regulate her commerce with neutral neighbors in any way

allowed by the law of nations, yet the enemy has certainly the right to prevent every means of relief; to produce, if possible, oppression and poverty, in order to procure peace. Can you expect that Great Britain will permit you to supply France and Holland with commerce, and on such terms as enables them to go the cheapest into the market and convert all their merchant ships into armed vessels to privateer upon her trade? And while France is so relaxed in her system, have we a right to expect any indulgence from Great Britain? War, we know, always brings some evils to a neutral country. Can we therefore so materially blame Great Britain? Then, as to the consequences of this trade. It certainly does not bring more than $170,000 into our Treasury, while it draws from the purchase of our domestic productions a large part of the capital that would be otherwise devoted to it. When I say $170,000, I mean to apply the remark particularly to that trade which has been the object of suppression by the prize courts, for I agree that the revenue arising from the whole carrying trade is stated to amount to $800,000, but no man will say that the duties arising from this species of trade is under estimated. Is the whole value of this trade so important as to justify a sacrifice of all our interests? I will ask gentlemen whether it is correct or proper that the great interests of the country should be given up to a trade only continued in time of war, and in which but a few men are interested? Let it not be here understood that I am the enemy of commerce. No, I am its friend. Without it agriculture would be nothing, and there would be no market for the sale of our surplus produce. We must have trade, but let it be on principles of permanency, and not on such as emerge from a state of war. Great Britain has never affected our direct trade, and my vote shall be always ready to protect it. I agree that a circuitous trade is beneficial to the country, just as money brought into it is beneficial. But let us take the subject up on calculation—I think it a fair subject of calculation, a question of profit and loss—and see whether it ought on that ground to be protected. If it is found that the play is not worth the candle, gentlemen will certainly not wish its preservation. Is it right to protect, at the hazard of every sacrifice, this trade of so precarious a profit, and which cannot continue longer than the period of war? Our exports to Great Britain and her dependencies amount, upon an average of three years, to $20,653,000; of this amount, the two articles of cotton and tobacco, the exclusive produce of the States south of the Potomac, constitute more than one-half. This will be entirely lost, or at least the most considerable part, for I have no expectation of finding a market for anything like this amount in any other country. Cut up at one stroke, under the pretence of temporary expediency, the cultivation of these two articles, and you prostrate the expectation, independence, and industry of thousands; then will be applied to your own industrious and virtuous citizens, what the mover of the resolution supposed would be to the manufacturers of England, a dagger to their vitals. Let us not, for God's sake, ruin our country, under the delusive expectation of injuring our adversaries. Another and very current view may be taken of this subject; it is acknowledged that there are comparatively but few persons immediately interested in this trade, and although to them a lucrative one, yet it must end upon the cessation of hostilities in Europe. It must be unjust that the great interest of the agriculturist should be sacrificed to this trade, or even pledged for its protection and security. I never will agree that one class or profession of people shall underwrite and insure the success of another class, and this too without any premium. This is precisely the case in this instance; the trader gains all under the protecting arm of the farmer, and the loss falls on the farmer, if it should be attended with any.

Let us view this subject in another light. It is contended that if British manufactures are prohibited, that our commerce will still go on; that our merchants will find other markets, and that the security of the revenue will not be affected. But I beg gentlemen seriously to consider the situation of Europe. I do believe that our demands cannot be supplied but from Great Britain; they cannot be supplied elsewhere—because, from the year 1786, the British manufactures introduced into this country have regularly increased; notwithstanding in France labor is cheaper than in Great Britain. Not because an English coat was better than a French one. The fact is, the French manufactures cannot be got on the same reasonable terms as the English. What has been the effect on the price of Liverpool cottons since France has menaced the invasion of England? They have increased in price, because her manufacturers have been taken from their shops and converted into soldiers. What is the situation of Europe? Convulsed to her centre, will Germany afford us the articles we want? Do we not know that her manufactures have always been limited and confined to particular articles? Where then is a supply to be had? Where is a return to be got for our domestic productions, without which our loss will be incalculable? What will its effect be on our Treasury? We know that the British manufactures yield about five millions of revenue, which go to the regular reduction of the public debt, which to this degree must be suspended if they are prohibited. Will gentlemen say, because I hold this language, that I am the apologist of British measures? No. Were I to give way to my feelings on this subject, instead of being governed by my judgment, there is no length to which I would not go. My colleague has told us that Great Britain is fighting our battles and those of the world. I believe so. But not from any good will to us or the world; in fighting their own battles, they fight ours. Let us then suffer them to go on, not out of affection to their Government, which is tyrannical, and which, if it had the power, would lord it over this country as it did when we were colonies; not from attachment to the English Government or its measures, but from a regard to our own country, to which

this measure would be ruinous. If the articles we want can be got from any other country, let us obtain them from it; but do not let us carry our enmity so far to Britain as to ruin ourselves.

But we are told that this is only one cause of complaint against the British Government; that another cause of complaint is the impressment of our seamen. It is a cause, a most serious cause, of complaint. On this subject I have more feeling than on the other. I commiserate the deplorable situation of those men and their friends, and wish most ardently it was in my power to relieve them from it. But there is some apology even here to be made for the British Government. The inhabitants of the two nations are so like each other, and so nearly the same in their language and habits, that it is extremely difficult to distinguish one from the other: and I will ask you if we have not more subjects of Great Britain in our service than they have American citizens in theirs? Let us also recollect their principle—once a subject, always a subject. When, therefore, we give their subjects the privileges of a citizen, by naturalizing them, is it not a counteraction of British policy, and is it not some apology for their conduct in pressing this description of men? I recollect of no instance of their refusing persons allowed by them to be American citizens, whose claim was fully substantiated. Let me again repeat it, that in a state of war, neutral Powers must suffer some injury; when all nature is in conflict, we cannot expect to escape injury. I do not therefore think this ground of complaint a cause of war, for where is the difference between forcibly taking away the citizens of our country, and enticing those of another by the allurement of superior advantage? Every society has the right, and exercises that right, to ordain municipal regulations for its government; and every member of the society is bound by them. By the immemorial usage of England, no subject is allowed the right of expatriation, and they hold the privilege of impressing their sailors wherever they may be found in time of war, and claim their allegiance, whatever may be their condition. We ought not to seduce them. I do not mean this as a justification, but it is undoubtedly a mitigation of the affront. But what is proposed? To go to war in order to obtain the release of a few captive citizens that have been taken on the water; let them get out of the way by turning cultivators of your waste land, in which they can acquire a virtuous and honorable competency. But, sir, what will be the sympathy of the gentlemen who shed tears of grief over your impressed seamen, when they shall view the scenes of devastation produced by war; all your seaport towns in ashes; people of every age and condition mourning over their ruined mansions and fallen fortunes; countries ravaged by a merciless foe, or millions of your citizens slain in fighting your battles; will your carrying merchants then step forth and fight for you? No, indeed, they will not, they are too precious to be made food for gunpowder; they will not be shot at all day for seventeen cents; they will all disappear. Their rule is, wherever money can be made, there is my country. I beseech you then, Mr. Chairman, to guard against that fatal infatuation which hath destroyed the universe.

Mr. EPPES.—After the discussion which has already taken place on this subject, I shall not consider myself authorized to occupy much of the time of the House. As, however, I have on some occasions ventured to express my opinions on this floor, I cannot reconcile to my feelings a silent vote on a question interesting to the people of the United States generally, and particularly so, to that portion of country which I in part represent.

Whatever difference of opinion may prevail within these walls as to the course which ought to be adopted towards a nation which under the pretence of right has commenced a system of warfare and pillage on our commerce, I hope for the honor and interest of our country we shall finally unite in something. If in a free country there is any principle which ought universally to be admitted, to enforce which reasoning or demonstration should be necessary, it is, that every class of citizens is equally entitled to protection. To secure to man his personal rights, and the fruits of his honest industry, are the two most important objects of a free Government. The Government unwilling to use for that security the means of which it is possessed, does not deserve the support of freemen. Our Constitution makes no discrimination between different classes of citizens, nor can we in our legislative capacity. The citizen whose capital is vested in a ship has an equal right to protection in using for his benefit and happiness that ship, with the cultivator of the soil in using his plough. To arrest by violence his ship, and confiscate his property, is to the merchant the same injury as it would be to the farmer to arrest his plough and destroy his crop. In each case the citizen must look to the community for the removal of every obstruction thrown by violence in the way of that perfect freedom in the use of his property which constitutes its value. It is true, and no man will deny the correctness of the principle, that every nation has a right to abandon any particular commerce injurious to its interests or dangerous to its safety. This is the natural right of all nations, and particularly of free countries, where the general welfare of the community is the supreme law. While, however, a commerce remains lawful, the citizen embarks in it with the same right to expect protection as in any other lawful occupation; for a Government to refuse it, is a violation of that fundamental principle in free government: that protection on the part of the Government is the basis of support on the part of the citizen. If we are unable or unwilling to interpose in behalf of our citizens, when their personal rights have been invaded—their property captured and condemned under principles unknown to the law of nations—let us give up the farce of pretending to self-government, and go back to the degraded state of colonies.

The ground of difference between the United

States and Great Britain is too well known for me to dwell on this part of the subject. It has been stated on this floor by a gentleman from Massachusetts, in terms clear, forcible, and manly. The impressment and detention of our seamen is an injury which has justly excited the indignation of the people of America for the last ten years. Every attempt to arrest by negotiation this serious injury has failed, and each year adds new victims to the roll of impressed seamen. The recent captures of American property to the amount of six millions of dollars, under doctrines new and manifestly unjust, is a serious injury to the individuals and to the community. And although I have no doubt, as has been eloquently stated on this floor, that American merchants have in some instances disgraced that character by covering the property of the enemies of Great Britain, I am equally certain that the injury done to *bona fide* American merchants, trading fairly on American capital, are sufficiently numerous to justify and demand the interposition of this Government.

While, however, I have no doubt as to the right of the citizen on the one hand to demand protection, and of the duty of the Government on the other to extend it to him, I am willing to acknowledge all the difficulties of our present situation. I consider it no disgrace to this infant nation to say we are not able to meet on the ocean a nation—a match on that element for all the world combined. I hope the period will never arrive when the substance of the citizen here shall be squandered on a navy competent to meet on the ocean the navy of Great Britain. Separated from the rest of the world, at too great a distance to fear invasion, possessing a country abounding with productions valuable to the different nations of Europe with whom we have commercial relations—if we are not able to meet on the ocean Great Britain or any other European Power, we can say to them all, respect in your intercourse with us the principles of justice, or we hold no intercourse with you; if you will not traffic with us on principles that are fair, we will neither receive your manufactures, nor send to you our productions. We are now for the first time about to test this principle so important to a nation jealous of fleets and armies. Of the various measures of the kind which may be resorted to—high discriminating duties—a prohibition of certain enumerated articles, a general prohibition, and as a dernier resort a suspension of all intercourse, are the remedies within our reach. It is a mere question of convenience and expediency to which of these we shall resort. I should prefer for myself, as a first step, the mildest. It is not, in my opinion, the interest of this nation to dissolve at a single blow its commercial connexion with Great Britain. The commerce, if carried on, on principles that are fair, is mutually advantageous to the two countries. In Great Britain we find the best market for our most valuable productions, and with us she finds the best market for her manufactures. To prohibit, at a single blow, imports to the amount of thirty-five millions of dollars, however injurious it might be to the manufacturers of Great Britain, would certainly be a serious injury to our own citizens. I cannot but hope that a milder measure will cause the British Government to respect our rights and pursue a course manifestly dictated by a regard to its own interest. If, however, Great Britain is so lost to her own interest as to persevere in a system of injustice calculated to deprive her of the best market for her manufactures—a market daily increasing, with the increasing population of this infant country—let us on our part proceed with that caution and moderation, which shall evince that the course we are determined to pursue is founded on principle, and will never be abandoned until our wrongs are redressed. I am willing to adopt for the present a prohibition of enumerated articles; if that shall fail, to pass hereafter a total prohibition, and finally, to put forth our whole strength, and say, we hold no future intercourse with you; but dissolve forever all commercial relations with a nation, which takes for its national law the base principle of necessity, and makes itself the exclusive judge of that necessity.

As, however, it will not be in order to argue propositions not immediately under consideration, I shall confine my observations to the resolution of the gentleman from Pennsylvania. I am willing to consider this resolution, as its friends profess it to be, a commercial regulation, and not a war measure. Indeed, I should not apprehend war with Great Britain, even if it was adopted. It is not her interest to add to the number of her enemies, and her vessels, numerous as they are, will find sufficient occupation in guarding her own channel, and protecting her own capital. I object to this measure, because I believe that it will be so extremely injurious to the United States in its operation that it ought not to be resorted to until milder remedies have failed. In the remarks I shall make on it, I shall confine myself to its probable operation on the revenue of the United States, and on that class of citizens for whose protection it is principally designed.

From the report of the Secretary of the Treasury, at present on our table, it appears that the imports to this country from Great Britain and its dependencies amount to thirty-five millions nine hundred and seventy thousand dollars. We derive from imposts on this commerce a net revenue of five millions four hundred and thirty-two thousand dollars. The whole net revenue of the United States, derived from our commerce with all other parts of the world, amounts to six millions one hundred and eighteen thousand dollars. This resolution goes to prohibit a commerce from which we derive almost one-half of our net revenue. The carrying trade which this measure is intended to protect, yields a revenue of eight hundred and fifty thousand dollars; so that for the protection of eight hundred and fifty thousand dollars, we put at hazard a net revenue of five millions four hundred and thirty-two thousand dollars. I well know that national honor cannot be estimated in dollars and cents. There is no

man who feels more forcibly than I do the correctness of this principle, or will be more ready on all occasions to acknowledge it. Gentlemen, however, ought to remember that their remedy is a measure of dollars and cents. They profess it to be nothing more than a commercial regulation. In war, millions must be sacrificed to protect thousands; in commercial regulations the risk ought to be in some degree proportioned to the object. A nation, deliberately forming a commercial regulation, by which it risks millions to protect thousands, manifests more zeal than wisdom; nothing short of absolute necessity, and a failure of every other remedy, ought to induce us in our present situation to risk our revenue. We have repealed the whole system of internal taxes. We have set out with professions of economy, and a determination honestly to meet our public debt. This resolution, if adopted, may cause a deficiency in our revenue of five millions of dollars. The permanent revenue of the United States, exclusive of the Mediterranean fund, which I hope soon to see abolished, amounts to eleven millions five hundred thousand dollars; the permanent expense of the Government amounts to eleven millions of dollars; eight millions of dollars appropriated to the payment of the debt, and three millions to the expenses of the Government, including the Naval and Military Establishment. No part of the eight millions can ever be diverted from its object, without abandoning the principles which brought us into this Government, and as there is no probability of our expenses being lessened, the three millions may be considered equally permanent, or the wheels of Government must stop. From eleven millions five hundred thousand dollars, the amount of our present revenue, take five millions four hundred and thirty-two thousand dollars, derived from imposts from Great Britain and its dependencies, and there remains six millions and sixty-eight thousand dollars, which falls short of eleven millions of dollars, the permanent expense of the Government, five millions nine hundred and thirty-nine thousand two hundred dollars. Shall we incur this risk, until other measures less injurious in their operation on ourselves shall have failed? Gentlemen have told us of substitutes for British manufactures, and that no great loss will be sustained in our revenue. One gentleman has estimated the loss at a million of dollars; another at two millions, and the same gentleman has furnished us with abundant information as to the places from whence we may procure a substitute for British manufactures. On this subject everything must be mere conjecture. It is impossible for any human being to say what will be the effect of this measure on our revenue. No man can say what will be the situation of Europe six months hence, and particularly of Germany, from whence we are to derive a part of our supplies. I wish not to risk the substance for the shadow. I cannot consent to trust the revenue of the United States to speculative opinions, which may be true or false. The gentleman from Pennsylvania who introduced this resolution, talked of a substitute for British manufactures in home-spun; he wished to see the people of this country clad in articles manufactured in their own families. There is no man who views with more pleasure than I do that species of independence to which this kind of industry gives birth. I wish not, however, to wear home-spun at the expense of a Federal tax upon my land. I know what a Federal land tax is, because I have paid it, and I remember it, because it was the only oppressive tax I ever did pay. If this measure shall not produce its effect on the British Government, and its operation on our revenue be as injurious as there is just cause to fear it will be, either we must repeal our own law, or adhere to a measure manifestly injurious to the United States, and lay a direct tax, or we must divert from its object the annual appropriation for the payment of our debt. Never with my vote shall the fund appropriated to the payment of the debt be diverted from its object until the last dollar shall be discharged. Other gentlemen, I presume, would be as little disposed as myself to resort to a direct tax.

The risk of revenue however is not the only objection I have to this resolution. A total prohibition of British manufactures will be extremely injurious to our own citizens. It puts down at once the occupation and employment of the merchant of small capital. In many parts of our country, and particularly to the south of this place, commerce is carried on principally on credit. That credit is generally in Great Britain. Take away the credit and the commerce is gone. It will seriously affect too the importing merchant of large capital, whose funds are in Great Britain. To withdraw his capital, establish new correspondents, and give an entire new direction to his commerce, would require time, trouble, and expense, and insure at least one year's loss in the profits of his profession. It would operate least injuriously on the merchant whose funds were large, and in this country. With his money he might seek a substitute for British manufactures in other markets, if indeed a substitute can be found. Little or no injury would be done to merchants of this description, while ruin and bankruptcy would be the fate of those deprived, by a general prohibition, of a capital depending on credit. I have no data by which to calculate the number of our merchants embarked in the foreign carrying trade, and of those who are only importers. The whole foreign carrying trade of Virginia amounts to three hundred and fifty thousand dollars. But a small portion of the merchants there of course are interested in the foreign carrying trade. To all the importing merchants throughout the United States, the adoption of this measure would be a serious evil. Supposing one third of the whole number of the merchants of the United States interested in the foreign carrying trade—and this would be a large calculation—by the adoption of this measure we sacrifice the convenience and interest of two thirds even of this class of our citizens. Upon the whole, I have no doubt, but that the adoption of this resolution would be a serious injury to a large major-

ity of the merchants of the United States, although designed for their protection.

What would be the effect on the planter? It would cause an immediate advance on all the articles of first necessity, particularly coarse woollens, which could not immediately be manufactured at home. It is true that during the Revolutionary war, a substitute was made. We were driven to it by necessity, and abandoned it as soon as that necessity ceased. While, for all the articles of first necessity, a great additional price must be paid by the farmer or planter, the value of every article of his labor must diminish; his produce be sold at a reduced price or left to rot on his hands, from the inability of the merchant to purchase. This will be the effect on the planter, supposing Great Britain will take no contervailing measure. If however she is disposed to carry her principle to its full extent, she can dispense for a limited time with your exports, except the provision and lumber necessary for the West Indies, with as little inconvenience as you can with her manufactures. Of tobacco she has always two crops on hand. Of cotton she has probably enough to carry her through the present war. A prohibition of these two articles only would be ruinous to the merchants and planters of the Southern country. On occasions of great national necessity such sacrifices must be met with firmness. The citizen who shares the blessings of prosperity, must submit to sacrifices demanded by the interest and honor of his country. While, however, this is the duty of the citizen, it is equally the duty of the Government not to require such sacrifices until milder measures have failed. Let us test the principle how far commercial regulations may be relied on. The resolution of the gentleman from Maryland is well calculated for this purpose. We know that it will affect our revenue to an extent we can permanently bear. It will be less injurious to our merchants, as involving a smaller part of their capital, and allowing time to give a new direction to their commerce. It will enable us hereafter to decide with more certainty on the effect of measures of this kind on ourselves, and how far they may be relied on as an engine to operate on Great Britain. On this subject, however, my observations shall be suspended until that resolution shall be under consideration.

Mr. Nicholson said, he had been desirous for some days to offer to the Committee his opinions on the subject now under consideration; but as other gentlemen had manifested a similar disposition, he had yielded the floor to them. It was now his intention to offer such remarks as appeared to him pertinent.

The resolution of the gentleman from Pennsylvania, (Mr. Gregg,) in his opinion, was objectionable in all its parts. There was no point of light in which he could view it, in which objections did not present themselves. He read and commented on the preamble; the style of which he said he did not like, because, instead of a spirit of amity and conciliation, it breathed little less than defiance. While we profess to speak the language of peace, we declare to Great Britain, that unless she will meet us at that precise point, which we think proper to mark, we will, in the words of the gentleman from Pennsylvania, stab her in the vitals. While we declare that we approach her as friends, yet our style is that of an enemy. The olive branch that is held out conceals a dagger in its boughs. This threatening manner he said was not calculated to preserve peace in private life, and how could it be expected to succeed between nations? Did gentlemen imagine that Great Britain, even surrounded as she was by her enemies, was yet so tame as to submit to threats? Was the character of her first Minister so little known, as to induce a belief that he would tremble at the rod held over him? No, sir, they are not sunk so low; and if we really wish for an amicable adjustment of our differences, we ought to proceed as friends and not as enemies. A mere commercial regulation, he said, might not, perhaps, produce war; it was the threat held out in the preamble, and the hostility manifested on the floor of the House of Representatives, that were calculated to wound the national pride of Britain, and, therefore, to excite enmity between the two countries. What does the preamble say? We have marked a point from which we will not recede, and to which we demand that you shall come; if you do not, we strike at your most essential interests; in the language of the gentleman from Pennsylvania, we will stab you in your vitals. Is this the way to conciliate? Is this your method of opening a negotiation? Believe me, sir, instead of presenting the olive branch, we carry a firebrand that will kindle a flame which we may find it difficult to extinguish. Great Britain will feel all this—she will at once ask, is it fair, is it manly, is it honorable to threaten me now, when I am contending for all that is dear to me? Will you insult me in my distress, and while you sustain my enemy on one hand, with the other endeavour to unnerve the arm which you acknowledge is raised in defence of its own existence?

If the subsequent parts of the resolution were unobjectionable, the preamble itself would determine me against the whole. To preserve peace, let us proceed to our object in a peaceable manner. If, indeed, gentlemen are for war, then they are right in advocating this measure.

From the course of the debate, Mr. N. said, one who had not attended to the points in dispute (which he feared was too much the case with the great body of the people) would really imagine that all the commerce of the country was at stake; that Great Britain had assumed a principle by which the whole of our trade would be involved in ruin. Commerce and agriculture had been called the handmaids of each other, and high eulogies had been pronounced upon the intimate connexion subsisting between them. No one was so blind or so stupid as to deny that, under the peculiar circumstances of this country, commerce and agriculture were the mutual assistants of each other; but did gentlemen imagine that the people were so blind or so stupid as to believe that the commerce which was connected

with agriculture, was the subject of dispute with Great Britain? Did they suppose that they could cast a veil over the real points of difference, as to produce an impression of this kind? If such was the hope, he trusted it would be defeated. No man would pretend to assert that Great Britain had denied our right to carry the products of our own soil to foreign markets, and to bring home in return such articles as were adapted to the necessity, the convenience, or the taste of our own people. She did not interfere with the carriage of our corn, wheat, tobacco, cotton, provisions, or lumber, to those places where we could meet the readiest sale for them; and had never raised an objection to our returning with the products or manufactures of Europe, or of the East or West Indies. It was the carrying trade alone which was the subject of difference. A trade so slightly, if at all, connected with agriculture, that the connexion, such as it was, did not merit notice in discussing the present question. It was that trade which carried the products of one foreign country to another, which relieved France, Spain, and Holland, from the pressure of war, by carrying on a trade for them which they could no longer carry on for themselves—which carried the coffee and sugar of Batavia and the West India islands, to the respective mother countries in Europe, thereby relieving them from the necessity of convoy, and the expense of maintaining large fleets. This was the trade, he said, upon which Great Britain had committed depredations. It was not the home trade, in articles of our own produce or for our own consumption; but a foreign trade, in foreign articles, for foreign markets, and for foreign use. It was the colonial trade which France, Spain, and Holland, monopolized to themselves in times of peace, but which they could not command in time of war, and had, therefore, permitted us to carry it on for their benefit. It was a trade, therefore, totally unconnected with agriculture, and enjoyed by a few merchants only; and it remained with the American people to determine whether, for its protection, they would involve the agricultural interest, and the revenues of the country, in those embarrassments which would necessarily ensue, upon the adoption of the measure proposed by the gentleman from Pennsylvania. He flattered himself that the people would inquire, and that they would not suffer themselves to be deceived by the misrepresentations which had gone abroad. The question was deeply interesting to them, and he wished them to examine it in all its bearings.

The resolution, he said, embraced two points; the one related to the carrying trade; the other to the impressment of American seamen. The latter had always been a source of great anxiety to him. No man in America had deplored the evil more than he did, and none should be more ready to apply the remedy, when an effectual remedy could be devised. To him, however, it was a matter of no little surprise, that gentleman had so long slept upon a subject, on which they now appeared to manifest so much zeal. He himself twice proposed measures with a view to obtain redress, but he had not been able to carry them through the House. Gentlemen, who now zealously volunteered their services, rendered him no assistance then. At the last session he had introduced a bill on the subject, and such were the variety of objections to it, that it was committed and recommitted several times. Difficulties presented themselves from all quarters; alterations and amendments innumerable were adopted, until finally it was shuffled through the House, in so imperfect a state that it was not worth the time which had been spent on it. Strong measures were not then the order of the day, nor would they be now, if the impressment of American seamen was the only ground of complaint. Great Britain has pursued this practice for ten or twelve years past, but these patriotic merchants, who are now so clamorous, presented you with no memorials on the subject. No, sir. It is the carrying trade alone, which has covered your tables with the memorials of the merchants, because their interests are affected, and it is out of this that the resolution of the gentleman from Pennsylvania has grown. Although I do not admit the correctness of the principle assumed by Great Britain, in relation to the carrying trade, yet I am willing to acknowledge that with me it is an object of secondary importance only, when compared with the other violations of our flag, in the impressment of our seamen.

Why, Mr. Chairman, is the carrying trade a secondary consideration only? Because the depredations committed on it, do not affect the personal rights of our citizens, nor our trade in our own products, or in the products of foreign nations for our own use; but all these are affected, deeply affected, by the impressment of our seamen. It has been said, indeed, that this interruption of the carrying trade was peculiarly hostile, because it struck at *bona fide* American property. In many cases this is true, but in many I believe it is not true; for I have no doubt that much foreign property is covered by our flag. Admitting, however, that it is always American property, yet all seizures of this are not considered acts of hostility. It is conceded by all that the direct trade, between the colony and the mother country, cannot be carried on in neutral bottoms. If, therefore, a cargo of sugar or coffee were purchased at a French island, it would thereby become *bona fide* American property; but by our own acknowledgments it could not be carried directly to France; nor, if it was French property, could it be carried in our vessels, as, in 1794, we surrendered the principle that "free ships make free goods." Seeing then, that we could not carry on the direct trade between the colony and the mother country, even when the property had become American by purchase, and that we could not cover French property under our flag, a new method was invented by our merchants to evade these regulations. They went to the West Indies, purchased their cargoes there, returned with them to this country, and then reshipped them and carried them to France, and Spain, and Holland, thereby yielding them very important assistance

in their warfare against Great Britain. This, Mr. N. said, was the new principle against which Great Britain contended, and although he was not willing to acknowledge the correctness of her proceedings, yet he was more unwilling to sustain our right at the expense of so much injury as we should incur by adopting the proposed resolution. Negotiation, he said, ought to be resorted to; if that failed, then indeed, commercial restrictions might be imposed, but not such restrictions as the gentleman from Pennsylvania and his friends advocated. Those, although they might wound Britain, would inflict a still deeper wound on ourselves. It was known that our Minister at the Court of London had the subject under his immediate attention, and we had reason to expect that he would succeed in an amicable settlement of our differences. Mr. King had formerly remonstrated against similar practices by British cruisers, and the report of the Attorney General of England, transmitted by Lord Hawkesbury, fully recognised the justice of our pretensions. No treaty, however, was made, and until a treaty is entered into, regulating all our commercial relations, we cannot expect that our trade will be free from embarrassments. The points in difference now between the two Governments, are fair objects of negotiation. The admissions of Lord Hawkesbury, in his correspondence with Mr. King, give us a fair claim on the British Government; and I have no doubt they will yield, provided the intemperance of our language and our conduct does not furnish them with a pretext still to resist.

What, I ask, will be the effect of this resolution on Great Britain? She will either disregard it, under the conviction that it will operate much more injuriously upon ourselves than upon her, and that therefore we cannot persist in it; or, inflamed by the threats contained in it, and by those used by its advocates on this floor, she will consider it as cause of war. Will it not be good cause of war, when professing peace, you use the language of intimidation, and the mover of the measure tells you, he brandishes a dagger in his hand with which he means to stab her to the vitals? [Mr. GREGG said, he did not say so.] Mr. N. continued: it may not be found in the gentleman's speech, but I find it in my notes, and I believe they are as correct as those of the stenographer. [Mr. GREGG explained, and said he did not use the word dagger.] Mr. N. said it was of no importance, what the instrument was, whether a sword, a dagger, or a knife, if he was to touch the vitals. It was a figurative expression, and the gentleman might select either of the figures which he preferred. He himself had used the word dagger, supposing it the most appropriate, and the most congenial to the gentleman's own mind. [Mr. GREGG said he would take some other opportunity of explaining.] Mr. N.: The gentleman declared the measure was calculated to stab Great Britain in her vitals. I appeal to the Committee if such is not their recollection. The gentleman himself does not deny it; he only says he did not use the word dagger. But if Great Britain believes that we can persist in it, and sees that we are determined to sustain her enemy against her, and to stab her in her vitals, she will consider it as cause of war and will make war.

Are gentlemen prepared, then, to hazard these consequences? Are they ready to go to war for the protection of this carrying trade, in which the great bulk of the nation have no interest? I venture to assert that nineteen-twentieths of the people of this country have no interest whatever in the trade for which we are now about to contend. One consolation, however, yet remains: let this House receive the measure as favorably as they may, the people will condemn it, when they feel its consequences. We may run headlong into war, but we shall not have the trouble of carrying it on. The people will supply our places with other representatives: they will not so readily forgive us. I trust in God they will not.

A gentleman from Massachusetts (Mr. CROWNINSHIELD) thinks the measure will not lead to war; but if he believed it would, this would be no objection with him to the resolution—he would still vote for it. We can convert our vessels, he says, into privateers, and can capture two or three British vessels for one of our own that will be lost. How, I ask, is this to benefit the farmer or the planter? What proportion of these profits is to go into their pockets? The gentleman may vest his capital in privateers, and may make a fortune. Here, sir, he plays the merchant again. Whatever the effect may be on the great body of the people, he is *Shylock* still. The nation may bleed at every pore, but he will have his pound of flesh. This privateering business, however, will not do. Great Britain has eight hundred ships-of-war, and it ought to be remembered that she can fit out as many privateers as we can. But, sir, the idea of our meeting Great Britain on the ocean is too ludicrous to be repelled by serious argument. My friend from Virginia has given the best answer to it, in his prescription of a straight-waistcoat, a dark room, depletion, and water-gruel. It is just as absurd as to talk of fitting out a privateer to fight a seventy-four.

The gentleman from Massachusetts has another measure in reserve to wound Britain. He tells us we must confiscate the public debt. This is a strange doctrine for men who talk so much of national honor. I have always believed it most honorable to pay our debts, instead of swindling our creditors. My determination, however, has long since been taken on this point. I will never consent to lay my hands upon the public debt, but for the purpose of fairly extinguishing it. Let our conflict with Great Britain proceed to what length it may, I will never lend my aid to defraud her subjects of that debt, for the payment of which the national faith is solemnly pledged. The nation may do it, but if it be once done, the violations of the national honor, which are now so loudly complained of, will weigh but an atom in the scale, when compared with the blow you yourselves will level at your own honor. You will set yourselves up as a rare and modern example of the *Punica fides*, for you will so effectually blast

your credit, that I venture to affirm you will make no more loans. Had I millions to lend, I would not trust you with a dollar.

To justify the measure now proposed, we are referred to the years 1793 and 1794; and because a resolution somewhat similar to the present was then adopted, and had well nigh passed into a law, we are called upon to sanction that which is now before us. But will gentlemen undertake to say that our situation at this time will justify such measures as were adopted then? Will they pretend that we have now the same grounds for hostility against Britain, or that the two periods can be compared with each other? What was our situation in 1793 and 1794? We had made a treaty in the year 1783 with Great Britain. Ten years after, some of its most important stipulations on her part were unfulfilled. She had pledged herself to restore to our citizens an immense amount of property which had been taken from them. She had engaged to put us in possession of the western posts. With neither of these engagements had she then complied. Year after year she was active in kindling a destructive war upon our frontier, and had let loose the savages of the wilderness upon our peaceable citizens. The Algerines too were, at the instigation of Britain, committing depredations on our commerce; and, in addition to all this, she directed a blow at our trade, more injurious than that which is now complained of: for she ordered her cruisers to capture all vessels laden with provisions going to the French colonies, or returning from them with the products of those colonies on board. Then it was that the measure alluded to was adopted by one branch of the Legislature, and it is most certain that we had cause enough to go to war. But is our situation at all similar now? Have we any of those outrages to complain of at this time? Not one. A part of our trade, it is true, is affected, but it is that part which is the least interesting to the nation. When I say this, I trust it will not be believed that I am willing to abandon it, or that I mean to palliate the conduct of Great Britain. My only object is to show, that, for this carrying trade, we ought not to bring upon ourselves the calamities of war, nor to pursue a line of conduct, which, though it may affect Great Britain, will operate much more injuriously upon our own country.

It is said, however, that the measure will not lead to war. This I am willing to grant, for argument's sake. Let us, then, take it in the most favorable point of view in which it can be presented, and inquire into its consequences.

Suppose Britain does not consider it a cause of war, but that, nevertheless, instead of relaxing in her system, she should obstinately persist in it. Gentlemen seem to have looked at only one side of the question, and appear to have forgotten that every question has two sides to it. In their anxiety to injure Britain, they have not attended to the effects which their proposition is calculated to produce at home. Should she persist, in what manner are we to be affected by the proposed measure? Let us see how it is to operate on the revenue. And here it would be well to remind gentlemen that almost the whole of our revenue is derived from the duty paid on the importation of foreign merchandise, and that this duty annually amounts to eleven millions eight hundred and fifty thousand dollars.

Our imports from Great Britain amount annually to - - - - - - - -	$27.400,000
From the British East Indies to -	3,500,000
From the British West Indies to -	4,570,000
From New Brunswick, Nova Scotia, and Canada, to - - - - -	540,000
Making in the whole - -	$36,010,000
It is uncertain how much is exported, but say - - - - - - -	6,010,000
Leaving for importations - -	$30,000,000

The revenue on which, as appears by the report of the Secretary of the Treasury, amounts to five millions four hundred and thirty-two thousand dollars, or very little less than one-half of our whole revenue derived from imports.

The gentleman from Pennsylvania (Mr. GREGG) thought he had gained an immense triumph, in showing that I had been guilty of an error in stating the average duty on importations from Britain at twenty per cent., which he says is not more than fourteen per cent. It ought to be remembered that I did not pretend to speak with accuracy; for when I made a few observations prefacing a resolution which I submitted some time since, I had no documents from which a calculation could be made. I supposed that the importations from Britain might amount to twenty-five millions of dollars, and, taking the average duty at twenty per cent., said five millions of revenue would be affected. Does, however, the detection of the error change the result? It does not; for it appears, by the report of the Secretary of the Treasury, that the revenue derived from this source is five millions four hundred and thirty-two thousand dollars, which is more than I stated it at. Is all this, then, to be put to hazard? Are we to cast it upon the ocean of uncertainty, without helm or chart? And for what? To protect that trade from which the revenue is derived? No, sir. To protect that trade which carries our own products to market and brings home in return the articles of our consumption? No, sir; but to protect a trade interesting only to a few merchants, and, I repeat it again, totally uninteresting to more than nineteen-twentieths of the people of this country. Gentlemen ask, Will you not assist the merchant in recovering his property? I answer, Yes, most willingly, but not at this expense. I will not commit to chance nearly one-half of the revenue of the nation, which we have already pledged for the fair and honorable discharge of the public debt. Sir, when I said, some days ago, that five millions of the revenue would be *affected* by this measure, I was understood by some to have stated that it would be *diminished* to the amount of five millions. This, however, was not my statement; for I well knew that it was not in the power of hu-

man ingenuity to calculate the extent to which it would be affected. But, by prohibiting the importation of goods from the only country that could furnish all of them, you would thereby hazard the whole revenue derived from them, and a part of it would certainly be lost. What amount would be lost, I did not pretend to say; I do not now pretend to say; it is beyond my reach; but that a considerable amount would be lost, seemed to be admitted by everybody, except the gentleman from Massachusetts, who said we should not lose a dollar.

[MR. CROWNINSHIELD explained, by observing that he had said the measure would not, in his opinion, affect the revenue beyond a million of dollars, and the gentleman had now reduced it to one dollar.]

Sir, said Mr. NICHOLSON, the gentleman declared, when he was addressing you on the resolution, that he had before stated he did not believe the revenue would be diminished one million of dollars, but that he had since thought it would not be diminished a single dollar. He now goes back, however, to his million, and this is the difficulty which constantly presents itself. None of us can tell how much the revenue will be diminished, though every one acknowledges to a very great extent. My fear is, that the loss will be equal, at least, to two or three millions. How strange are the arguments offered to us! One gentleman tells you you ought to protect commerce, because we derive our revenue from it; and yet, in the same moment, he advocates a measure which he admits is to destroy a large amount of that very revenue he is so desirous of protecting. Another calls on you to protect the revenue, and warns you against direct taxes, whilst his favorite measure (by destroying a considerable amount of revenue) renders direct taxes necessary. I warn those gentlemen, in my turn, against direct taxes. Let them take care that they do not, by agreeing to this resolution, compel the nation to resort to those taxes, which they say was the rock upon which the former Administration split. Let them remember that the direct tax for two millions of dollars only, which was laid eight years ago, is not yet received into the Treasury. Will they, by adopting this measure, and thereby reducing the revenue, drive us into excise duties as a substitute? They ought to recollect that this, too, was once a favorite scheme of raising revenue, though not a very fortunate or a very popular one, as some gentlemen on the other side of the House can testify. I believe, sir, that they at least will not be very willing to burn their fingers with it a second time. They have their experience on this point. But, when gentlemen call upon us to agree with them in a measure which they admit will considerably diminish the revenue, (though they cannot calculate the extent,) why do they not tell us what they intend to propose as a substitute? I want to see their ways and means for supplying the deficiency. Until they show us these, I, for one, will not consent to cut off our present resources. Are we to borrow? It will not do, Mr. Chairman, to talk of borrowing and of confiscation in the same breath. We shall find nobody to trust us; and if we could, we must still find the ways and means of paying.

Let us, however, pursue this resolution through all its effects, and still continue to consider it in as favorable a point of view as its best friends can wish for; let it be admitted, that we can procure from other countries all those articles which we prohibit the importation of from Great Britain, and of course that the revenue will not be diminished at all. It may yet be worth while to inquire, whether the necessary consequences that must follow, will not operate most injuriously upon the citizens of the United States. I say nothing of the great difficulty which the importing merchants must experience in changing their course of trade, from that channel in which it has been accustomed to flow for eighteen or twenty years; appointing new agents, and forming new correspondence upon the continent of Europe, and the absolute impossibility of obtaining the same credit there, that they enjoy in England; these are minor considerations. But, sir, let us inquire whether the merchants and the agriculturists will experience no loss from this change. We export annually to Great Britain, of domestic produce, more than thirteen and an half millions of dollars, and to her colonial possessions more than six millions, making in the whole upwards of twenty millions of dollars; to all the rest of the world we export, in domestic produce, only about nineteen and an half millions of dollars. From Great Britain we get her manufactures in exchange for our produce, and it is said that we can procure the same articles from other countries; this is admitted for argument' sake; but those other countries will not purchase our domestic produce, they do not want it; it must therefore still go to Great Britain, and her colonies, if, indeed, they will receive it; and it must there be sold. What then will be the state of the case? We shall annually have in England, for produce sold there, and for bills of exchange drawn by the colonies, more than twenty millions of dollars; this sum must be sent to the continent of Europe, to pay for the goods we purchase there. I now, therefore, ask gentlemen if they have calculated the effects of forcing this large sum out of its natural, or rather out of its habitual channel? Have they calculated the effect to be produced on exchange, by sending annually from England more than twenty millions of dollars, over and above the customary remittances? Let them look to a late occurrence: a considerable sum of money was lately to be remitted from England, to pay the British troops on the continent, and it was necessarily done by bills of exchange. It was, as ours will be, a transaction out of the ordinary course; and I am well informed that it had the immediate effect to raise the rate of exchange fifteen per cent. The State of Maryland, within the last year, had three hundred thousand dollars in England to be be remitted to this country, and even for this small amount the State was obliged to pay one per cent. above par. Am I not, then, fully warranted in saying, that when the American merchants will annually have in England more than twelve millions of

dollars, to be remitted to the continent, to be forced out of its ordinary course, into new and extraordinary channels, that it will raise the price of exchange, at least, from six to ten per cent., and that, therefore, an annual loss will be incurred, from twelve hundred thousand to two millions of dollars? This loss will not fall upon those who consume your produce in England, nor I believe upon your own merchants who buy it here; for, when they are making their purchases here, they will calculate the losses they are to sustain abroad, and these will be considered in the prices which they will pay; the necessary consequence therefore is, that the price of American produce must sink in proportion to this great loss, and that the loss will, of course, fall upon American agriculture.

Again, sir, as to the effect upon the market for American produce. We send to England and her colonies large quantities of our native productions; I will instance cotton alone. In 1805, we exported to England 25,770,000 pounds of cotton, valued at $6,184,979; in 1805, it would be still more, because in 1804, we exported to Liverpool, 78,253 bales, and in the three first quarters of the year 1805, the export to Liverpool was 93,614 bales; thus, it appears that England is a great and increasing market for our cotton. We import from England all the cotton goods we use, except the white and stained cottons which come from the East Indies. By diminishing the importation of these fabrics, we of course diminish the demand for our own cotton; for nothing is more clear, than that as soon as we refuse to import her cotton manufactures, she must refuse to buy of us the raw material out of which they are made. The consequence will be a reduction in the price of our cotton, to the amount, probably of fifty or one hundred per cent. With some, however, this reduction in the price may not be very objectionable; I mean with those merchants, who are trading to India with large capitals, and who tell you they can furnish us with cotton goods from thence. For these men say as soon as cotton can be bought in this country at twelve and an half or fifteen cents per pound, it will become a good export to India as a substitute for money. Now, however agreeable it may be, to these merchants to increase their fortunes, by reducing the price of cotton, I imagine it will not be very favorably considered by the planters of the Southern States, who send their cotton to England, and sell it from twenty-five to sixty cents. This is one of the effects to be produced on the Southern States, and the gentleman from Georgia considers them more interested in this measure than the others. This may be true, but I mean to show that the Middle States are very much interested in it likewise. I do not intend to notice the tobacco of Maryland, Virginia, and North Carolina, although in this article we export to England, from two and an half, to four and an half millions of dollars annually. We export to the British West Indies, in flour, corn meal, other provisions, and lumber, annually, about six millions and fifty thousand dollars. We receive in return rum, sugar, and coffee, to the amount of four and an half millions of dollars; the remainder partly in specie, but principally in bills of exchange on England. If we refuse to take these four millions and an half, in the products of these islands, can the West Indian planter purchase our articles at as high a price as he now pays for them? Certainly not, and the inevitable effect will be to reduce the value of all those products which are the growth of the Middle States. In fact, it may be said generally, that when you prohibit the importation into this country of all articles of the growth, produce, or manufacture of Great Britain, you thereby diminish their ability to purchase the products of our own country, for which Great Britain furnishes a greater market than all the rest of the world besides. The more extensive the prohibition, the more extensive the injury to ourselves.

I have examined the resolution of the gentleman from Pennsylvania, under three different views: First. That the manner in which it is expressed, together with the language of those who supported it, would be calculated to produce war. Secondly. That, by adopting it, we should hazard nearly one-half of our revenue, a considerable part of which would be lost. And thirdly. That if neither of these effects were produced, the necessary consequence would be a vast diminution in the value of our own products, which would fall upon the agricultural part of the community alone.

I must now be permitted to recur again to the second point, for the purpose of showing that we cannot be supplied with many important articles from other nations, which we get from Great Britain, and, of course, that the whole of the revenue collected from these, will be sunk to the United States. I am aware, Mr. Chairman, of the difficulty of proving a negative—it can only be done by examining the positions held by your adversaries, and by showing the weakness of their arguments. And here I may be permitted to express a wish, that gentleman who say we can be supplied from other countries, had offered us, instead of their opinions, some proofs, some authorities. But we have had none. Since I offered a resolution, some days ago, for a partial prohibition only, I have been assailed by anonymous letters and anonymous writers in newspapers, attempting to prove that the ground which I then took was not tenable; and, I am sorry to say, that I have found more argument in them than I have heard on this floor.

My position, when I submitted the resolution for a partial prohibition, was, that our revenue was derived from imposts; that nearly one-half of it arose from the articles imported from Great Britain, and that with a great proportion (in amount) of these we could not be supplied by other nations. This position I still maintain, and will endeavor to prove it by the documents now on the table.

From the documents, it appears that, although we exported to Great Britain and Ireland, in the year 1804, of our domestic produce, only $11,787,000, yet that we imported from these two places, in goods paying the ad valorem duty, more than double that sum, embracing with inconsiderable

exceptions, all the woollen, cotton, linen, silk, metal, earthen, glass, and paper manufactures, and amounting to about 26,000,000 of dollars. In that year we imported from all the world (including Britain and Ireland) in the same kind of goods paying the ad valorem duty - $33,772,125
From Great Britain and Ireland - 26,000,000

Leaving this as the amount of imports from all other parts of the world - 7,772,125

In the same year we exported to all Europe, including Great Britain and Ireland, of domestic produce - 23,085,000
Of this we sent to Britain and Ireland - - - - - - - 11,787,000

Leaving for the export to the continent of Europe - - - - 11,298,000
Supposing the merchant to have gained for his freight, insurance, risk, &c., only thirty-three and a third per cent., and I believe it is more frequently fifty per cent., you must add 3,766,110

Leaving this sum on the continent of Europe at the disposal of our merchants - - - - - - 15,064,110

Of these fifteen millions of dollars, about one-half are sent to England by means of bills of exchange, to pay for those goods which we get from thence. Now, is it not fair reason, if the goods which we get from Britain and Ireland could be purchased on the continent, that our merchants would supply themselves there, where the money is, rather than be at the trouble, expense, and risk of remitting it to England? If coarse woollen cloths, for instance, are to be had from Germany, why are they not brought to us? And is it not an incontestable fact that we import none of them? It is, sir; at least, such is the information which I have obtained from mercantile men of the first respectability, both on this floor, and in the large trading towns of the United States. In fact, the information which I have received from them, gives the same result as to woollen, cotton, metal, and earthen manufactures. It appears impossible that we could be supplied from the continent of Europe with these articles, when we could sell our own products at better prices, and obtain these goods on better terms, by exchanging the one for the other in the same market. The truth is, that we get none of them. And why? Not because we have not money on the continent to purchase with, but because they are not to be had there.

I offer this as a general argument to meet the assertions of those gentlemen, who say that we can be supplied elsewhere than from Britain.

It has more than once been alleged, that we can get from Germany all the coarse woollen cloths that we require, and Saxony in particular has been mentioned as being capable of furnishing a large supply. I hold in my hand a newspaper containing an extract from a German periodical work. This extract has been published for the purpose of showing that some statements heretofore made by me, relative to the German manufactures, were imperfect. I do not know that it is quite prudent to notice in the House, attacks made upon us in the newspapers, but as there is nothing personal in this, and it is said to contain historical facts, published at this moment for information, I will venture to examine it. What I shall read will be the extracts from the German work. It states that the "Electorate of Saxony has about two mil-' lions of inhabitants. It contains eighty-nine ' large and small towns, the inhabitants of which ' principally subsist by the manufacture of wool. ' The number of persons employed in the woollen ' manufactures are calculated at eighty-five thou-' sand."

As Saxony has been selected, the presumption is that it is one of the most considerable manufacturing States in Germany, and as a fact of very great importance, it is stated that eighty-five thousand of its inhabitants are employed in manufacturing wool. Supposing the same proportion to exist throughout all Germany, between the whole population, and that part of it engaged in the manufacture of wool, it follows that less than one twentieth part are concerned in this branch. How then can the woollen manufactures in Germany bear a comparison with those of England?

The counties in England in which the manufacture of wool is most extensively carried on, are Lancaster, York, Wilts, Gloucester, Somerset, Essex, and Devonshire; and I learn from a work of very high authority, Postlethwayt's Universal Dictionary of Trade and Commerce, that in the parish of Halifax only, in Yorkshire, there are upwards of one hundred thousand persons employed in the manufacture of kerseys alone. If then in a single parish this great number of persons are engaged in manufacturing one species only of coarse cloths, what number may we imagine are employed in the woollen manufacture throughout England? I find from the same authority that not less than one million are engaged in the manufacture of fine cloths only, and as those of a coarser kind are more extensively used, I think it fair to calculate that two millions, at least, of the people of England are employed in the manufacture of woollen cloths. This is equal to one-fourth of their whole population. What then is the consequence? It is this—that in England where one-fourth of the people carry on the manufacture of wool, they can, not only supply their population of eight millions, but also have large quantities for exportation; while in Germany, where it is carried on by a twentieth part only, it is scarcely possible that they can export any, after supplying their own population of about twenty-six millions. I do not believe, however, that they do even supply their own population, and I think this is proved by an extract from the same German work, that I have just read from. "The British manufacturers (says this ' German author) consider the Saxons as danger-' ous rivals. British agents, by making large pur-' chases in shearing, raised the price of fine wool

'in Saxony, in 1804, 19 per cent., and of the coarser kinds between 60 and 70 per cent. They 'endeavored to ruin the Saxon manufacturers, 'and almost succeeded. When the coarsest wool 'cost from four to five rix dollars, a piece of coarse 'cloth was sold at 13 to 14 rix dollars. Now the 'same wool costs, by reason of British purchases 'chiefly, 8 to 9 dollars; the price of cloth ought 'therefore, to be 30 rix dollars, but importations 'from England keep it at 16 to 18 rix dollars." What then are the facts disclosed in this extract? They are these, (and I consider them as deciding the question, as to the supply of cloths to be drawn from Germany,) that the British manufacturers can go into Saxony, purchase up the Saxon wool, carry it to England, manufacture it into cloth, return with it again to Saxony, pay the duties with double insurance and double freight, and after all, can undersell the Saxon manufacturer in his own market. Again, sir, Postlethwayt, in his valuable work, says, that in Leipsic, one of the principal cities of Saxony, and certainly among the most commercial in Germany, at their fairs, which are held twice or three times a year, an immense trade is carried on in English cloths. In addition to this, I will state further, that a most respectable German house to whom I applied by letter, say in their answer, "from the best information, we 'can collect, we learn that the coarse cloths which 'are made in Germany, are generally of an indif-'ferent quality, and not faithfully manufactured." Can it then be said, after a knowledge of these facts, that we can be supplied from Germany with those coarse cloths which we now get from England? The finer ones I believe may be had from France and Holland, but not those of a coarser kind.

Gentlemen speak of this resolution as going merely to a prohibition of luxuries; these I shall be willing to surrender as soon as any man. But, sir, the luxury of a substantial cloth coat in a cold winter's day, or a warm woollen blanket in a cold winter's night, I do not wish to see denied to the people of this country. As to woollen blankets, they manufacture none in Germany, except those which are called horse blankets. Those for household use, are all made of cotton, and how readily our habits can be accommodated to these, I am not prepared to say.

I have thus endeavored to show, with what success the Committee must determine, that, by adopting this resolution, we hazard a war; that the course of commerce will be materially, suddenly, and, therefore, injuriously changed; that inasmuch as we cannot procure from other countries many important articles with which Britain supplies us, the revenue will be much diminished; and that the value of our own products will be lessened to an incalculable amount. Having been a considerable time on the floor, I feel extremely exhausted, and will, therefore, close my remarks, although it was my wish to have said much more on this subject; particularly to point out the different effects to be produced by the adoption of the measure now under discussion, and that which was submitted by myself. To my own proposition, however, I am not exclusively attached. I have thought and do still think it the best which has been proposed. This I trust will be the opinion of the House. Believing the conduct of Great Britain towards this country not to be justified, I am willing to unite in such measures as may induce her to do us justice. But I will not go to the extent proposed in this resolution, because I am persuaded it will operate much more injuriously upon ourselves, than upon those whom we intend to affect by it.

Mr. MACON.—Mr. Chairman, I feel myself bound by the call which has been made by three gentlemen from Pennsylvania, (Messrs. GREGG, SMILIE, and FINDLEY.) with whom I have long been in the habit of friendship, a friendship on my part sincere, to state the reasons which will govern my conduct on this occasion; whether they may be satisfactory to others or not, they are perfectly so to me. That a difference of opinion subsists between the members with regard to the measures best adapted to the present crisis of our affairs, is evident from the number of resolutions on your table. An attempt has been made to liken this resolution to one agreed to in 1793; but are they alike? I think not. That was general, and operated alike on every part of the Union, while this, in my opinion, is special, and will only operate on one part of the Union; and this partial operation will be severely felt by that section of the country which I in part represent. Besides this clear difference in the two resolutions, will not all the three gentlemen agree that there is a great and striking difference in our affairs with Great Britain—in 1793 and now? Her motives may be as unfriendly now as then; but I speak of facts known to all, not of motives; she then held the western posts, she then detained an immense property belonging to the Southern people, both in violation of the Treaty of Peace. She then instigated the Indians to war on the frontiers, and then, as at this time, impressed our sailors and captured our vessels; besides, the United States had not then relinquished the principle, that free ships should make free goods. In relinquishing this principle, they, in a great measure lost sight of the carrying trade, by peaceable means; but, if gentlemen wish to turn to Europe, they will find that, in 1793, the treaties of Pavia and Pilnitz were in force. Let the facts which I have stated be compared with those of the present day, and all must confess that there is a very considerable difference. I have said this much to show that there is no analogy in the facts of the present time and those of 1793, and that there is no change of opinion in me. If, however, I am mistaken, it is an honest mistake.

This nation, in my opinion, must take her choice of two alternatives; to be happy and contented, without war, and without internal taxes; or to be warlike and glorious, abounding with what is called honor and dignity, or in other words taxes and blood. If it be the first, the people will continue to enjoy that which they have hitherto enjoyed—more privileges than has fallen to the lot of any nation with whose history we are ac-

quainted; they will, as they have done, live plentifully on their farms, and such as choose, will carry on a fair trade, by exchanging our surplus productions for such foreign articles as we may want. If we take the other ground we shall, I fear, pursue the same career, which has nearly, or quite ruined all the other nations of the globe. Look at the people of England, legally free, but half their time fighting for the honor and dignity of the Crown, and the carrying trade, and see whether they have gained anything by all their battles for the nation except taxes, and these they have in the greatest abundance. Look also at France, before the Revolution, and we shall see a people possessing a fertile country and fine climate, having the honor to fight, and be taxed as much as they could bear, for the glory and dignity of the *grand monarque*. Let us turn from these two great nations, and view Switzerland during the same period; though not powerful like the others, we shall see the people free and happy without wars, contented at home, because they had enough to live comfortably on, and not overtaxed. The history of these three nations ought to convince us that public force and liberty cannot dwell in the same country.

I mean not to impute improper motives to any one, nor to examine the Journal after changes, though I am perfectly willing to have it thumbed over, from the day I took a seat in the House to the present, after my name; and if, on examination, it shall appear that I have changed my political principles, or have not uniformly adhered to them, I am willing to bear the name of a political hypocrite. I have formerly been, on very great questions, in very small minorities; on a most important question, in a minority not sufficient to command the yeas and nays. I will say no more on this subject; nothing can be more disagreeable than to talk about one's self, and nothing could justify it but the call which has been made; perhaps I have already said too much on it, but it was impossible to say less.

The dispute with Great Britain is most unquestionably for the carrying trade; a trade which is less beneficial to the nation than any other, and a trade which has produced most of our disputes with foreign nations, and it is the only trade that requires expensive protection. Will any one contend that this trade is half as important as the coasting trade? This cannot and will not be contended, for every one knows that the coasting is the best trade. It not only exchanges the products of one part of the nation for those of another, but it also tends, by making us better acquainted with each other, to connect us more intimately, and to make every part harmonize for the public good. The trade which I consider the next best for a nation to carry on, is the direct trade for home consumption, by which the surplus produce of one country is exchanged for that of another; and in this, as in every branch of trade, this great rule will be adhered to—buy cheap and sell dear if you can. With the coasting and direct trade agriculture is more nearly connected than with any other. But a nation may be agricultural without being commercial. The Swiss cantons and Milan were of this description, and it may be remarked that Milan is the most populous country in Europe. China is said to be of the same character; but, as little is known of that country, I shall not quote it to establish a fact which is clearly established by the other two. A country may also be commercial without being highly agricultural, as was the case with Venice and some other European Powers. But let us pursue that system which our own experience has proved to be the best for the United States; for, since the adoption of the present Constitution, and before this day, we have had trying times. It will be remembered, that during the French Revolution, we had complaints against France. Her Government issued orders of which we justly complained; one of them, I believe, declared all the productions and manufactures of Great Britain to be contraband of war; this, if executed, would have nearly cut off all communication with a nation with whom we carried on the greatest trade. What did we then do? We sent Ministers to France, with two of whom she refused to have any intercourse, but pretended to be willing to negotiate with the other. All the Ministers finally returned home, and we took half way measures against her, which are the worst of all measures, and which produced a sort of half war, which I believe injured us more than her—for besides the actual expense, which may be estimated at not less than $10,000,000, it nearly ruined the agricultural people by reducing the price of produce; flour it reduced from twelve and fourteen dollars per barrel to six; and tobacco, from ten and twelve dollars per hundred to three; and it had no doubt the same effect on other articles of exportation. And how were we relieved from these evils? We again sent Ministers, who were received, and they made a treaty. Besides what has been before stated of the conduct of Great Britain, it will not be forgotten that she declared all France in a state of blockade, and this order would have cut off all commercial intercourse with her, who then wanted much of our produce. To Great Britain, also, a Minister was sent, and he made a treaty. I am now desirous that the same steps should be pursued before we adopt decisive measures. We once laid an embargo, of which we tired. This shows the necessity of acting cautiously, and of taking no measures which we cannot adhere to. All the gentlemen who have supported the resolution now under consideration, have expressed doubts whether it would produce greater effects on Britain or ourselves. This is surely doubting its policy, and if its policy be doubted by its friends, what ought to be the result of our inquiries, especially when it is believed that its adoption will materially injure one part of the country, and that part entirely agricultural? Does the public good, about which we have heard so much, require that a measure which its friends seem to think of doubtful policy, ought to be adopted, when none can doubt but it will injure, if not sacrifice, the real interest of a part of the community? Examine

the report of the Secretary of the Treasury, and it will, at one glance, show from what quarter the great export is made to Great Britain; cut off the import, and you will lessen the price of the export, if it shall be exported. But we are told that we are bound to protect commerce, meaning, I suppose, that this resolution must be adopted. Then if we are really bound, and there is no discretion, nothing of expediency, there is no occasion for this investigation. But gentlemen well know, that on every question, discretion may and will be exercised. But have we really done nothing for commerce and navigation? On this subject I can confidently appeal to those most interested. What, since the adoption of the present Constitution, has made this the second commercial nation in the world? Before that we had but little claim to the character of a commercial people. Has not the protecting duties on the tonnage of foreign vessels, and on goods imported in them, produced the effect? They have secured to our vessels the carrying our own productions, which encourages navigation in proportion to their bulk. Let gentlemen inquire the number of cargoes which tobacco and cotton alone furnish the American vessels. Besides this encouragement given to navigation, has not a law been passed to favor the fisheries, and thereby to form sailors for the use of the merchant service? It may be right here to observe that I neither approved nor voted for that law, but no attempt has ever been made to repeal it. This is the encouragement by which, during a time of peace, we have become the second commercial nation in the world, and this too in the short space of time since the adoption of the present Constitution—say, if you please, since the 3d of March, 1789. One consequence, a little curious, is produced by this encouragement, which is this: When Europe is at peace, the protecting duties prevent any competition by foreign vessels to carry our productions, and when at war, so many of our vessels carry for the belligerent nations, that freight is nearly as high with us as it is with them, so that what the agricultural people pay in time of peace to encourage, they lose the benefit of when Europe is at war, and when it is most wanted.

Among the arguments urged to show the effect of this measure on Great Britain, one is that it will insure us a powerful aid in that country; that the British merchants and manufacturers, whose interest will be seriously affected, will give you all their assistance. This argument has been completely answered by a gentleman from Georgia, (Mr. EARLY.) But if gentlemen really calculate to make friends on the other side of the water, it seems to me that a different plan would produce more effect. Cut off all intercourse between them and us, and adhere to the plan long enough, and you will find the merchants and manufacturers of England, joined by all the inhabitants of the West Indies, to have the intercourse opened. The Assembly of Jamaica have acknowledged that they cannot get supplies in plenty except from the United States; but this plan would operate as much on beef, pork, fish, and flour, as on tobacco or cotton. But this would be too strong for them, while they are desirous to adopt a measure which will have the same effect on cotton and tobacco. What is this but a sacrifice of a part of the agricultural interest of the country to what they believe will be a protection for the carrying trade? I should like it quite as well if the attempt was not to be made solely at the risk of one part of the Union. The evil is felt in one part, but the remedy is to be applied in another. Adopt general measures, which will operate equally in every part of the country, and if the shoe is to pinch, let it pinch all alike, and all will then be willing to have it off as soon as possible.

I am willing to acknowledge that a dollar got by this carrying trade, and made the property of the nation, is just as good as a dollar got any other way, even by the cultivation of land. But does it follow from thence that you are to make more sacrifices to get the dollar in that way than it is worth? I think not. The adoption of the resolution, besides its unjust and partial operation, will considerably affect the revenue, and no ways and means are proposed to meet any deficiency. On the present question we risk a revenue of ten millions of dollars raised on the consumption of foreign articles in the Union, to gain—what? (I speak only of revenue) an additional sum of $850,000, which additional sum you will lose as soon as you depart from your neutrality. It is asked again and again, if we have not a right to the trade about which so much has been said? If the doctrine that free ships should make free goods had obtained, there could be no doubt on the question; but I mean not to examine the right but the effect of the resolution; nor do I mean to deny that the trade is of some use to the nation. Merchants would not so anxiously pursue it, if they made no profit by it; and their profit adds to the national stock, and may affect the price of native articles offered for sale. I am also willing to acknowledge that a cargo of flour or any other native production sent to the West Indies, and there fairly exchanged for sugar, and the sugar brought home, that the sugar is as much ours as the produce of our own soil, and this sugar so obtained we have a right to carry to those that may want it. But the question before the Committee is not a question of right, but of expediency. Is the protection which will be given to this carrying trade, by the adoption of the resolution, of that sort and of such certainty, as to justify the adoption of a measure, which will operate excessively hard on one part of the Union? The right of deposit at New Orleans before we purchased the country, was certainly as well established as our right to carry coffee and sugar to France and Spain, or anywhere else—it was a right acknowledged by treaty. But when the deposit was refused, what did we do? we took pacific measures, and succeeded. We heard then much about honor and dignity, and that it was our duty to enforce our right by arms; but notwithstanding all this, we adopted no measure like the present; we then acted for the general welfare. Does it follow, because I am opposed to the resolution, that I am unwilling for

our citizens to own vessels? It does not. I am willing they may have as many as they please, and do what they please with them, so that they do not involve the nation in war by them. On this subject the interest of the husbandman in New Hampshire and Georgia are the same.

The gentleman who introduced the resolution expressed a wish, that no party or geographical feelings should be brought into the debate. If there was no cause for geographical feelings, why then wish, or why anticipate them? Let the report of the Secretary of the Treasury be examined, and it will be seen that there is cause for this feeling; indeed the statement, made from that document by a gentlemen from Georgia (Mr. EARLY) must have convinced all of the partial operation of the resolution. On the first page of the report it appears, that the annual exports to Great Britain and her dependencies are estimated at about $15,690,000, of which sum, tobacco and cotton alone make $8 860,000; it also appears, that we exported to the dominions of Great Britain in Europe, for each of the three years ending on 30th of September:—in 1802, the sum of $12,066,521; and that cotton, tobacco, rice, pitch, tar, and rosin, made of that sum $8,485,762; in 1803, the sum of $16,459,264, and that the same articles made of that sum, $11.912,493; in 1804, the sum of $11,787 659, and that the same articles made of tnat sum, $9,443,807. These articles are selected, because they are the produce of one section of the Union. The same part of the country produces the following articles in common with other parts of the nation, but the proportion of each is not known: flour, wheat, beef, pork, staves, heading, boards, plank, scantling, timber, flaxseed, skins, wax, hams, bacon, turpentine, spirits, lard, and Indian meal, and I may add, pickled fish; some of these articles are carried to the Middle and perhaps to the Eastern States, and are there exported, or consumed; and, if consumed, enable them to export more of their own productions.

It has been said, that we have no complaint against any nation, except Great Britain. I wish most sincerely we had not, and that all nations would act as honestly towards us, as we have done and are willing to do towards them; but in examining this subject, we ought not to deceive ourselves; truth, and truth alone, should be our aim and guide.

Have we no complaints against France and Spain, for the conduct of some of their people on the ocean? I mean not to say a word about the conduct of one of them on our Southwestern frontier. What has been the practice at Cuba? to take our vessels and sell them and their cargoes, whether with or without a trial I know not. The owners, I believe, have generally lost both vessel and cargo. And how have they treated your seamen? turned them on the first shore they could, and left them to get home as they could. But it may be said, this is done by picaroons, and without the consent of their Governments, and that these Governments do not justify those who act in this piratical way. The Government of Cuba must have knowledge of these facts; they are committed too near it, and too frequently, to remain long unknown; and we cannot have forgot that Captains Murray and Chauncey have both very lately been cruising on our own coasts to drive these picaroons from it; besides all this, we have heard, that a French fleet lately burnt all the American vessels it met to prevent their giving information of the course it was steering. In this case they treated the crews well, at least I have not heard to the contrary, and promised to pay for the property destroyed. No one will contend that the fleet had a right to destroy this property. These facts are not stated to exculpate Great Britain, but to show that gentlemen are mistaken, when they say we have no complaints except against England; against her, I agree with the gentlemen, we have well founded complaints.

The gentleman first up, from Pennsylvania, has observed, that the contraband trade was generally carried on by foreigners. [Mr. GREGG explained, and said he had observed that he believed this to be the case in many instances.]

Mr. MACON.—I thank the gentleman for the explanation, as I have no wish to misstate what has been observed, but the difference in the statement will not affect the question, that foreigners may be concerned both in illicit and contraband trade. I have no doubt but there are some facts known to all, that will show, that others besides foreigners have been concerned in business not the most honorable. The petition of Nicklin and Griffith, now before the House, contains the proof, that an American, with an American register, covered a vessel for a foreigner, who armed vessels to fight their way into the St. Domingo trade. I have heard it was not a foreigner but an American who fitted out the Leander for Miranda, and who by this act run the risk of committing the peace of the country. I understood that it was an American. In stating these facts I mean no reflection on the merchants; they, like every other class in the community, have among them good, bad, and indifferent. The same gentleman said he was not willing to protect the wild carrying trade. I know not what this wild trade is, unless it be that which will involve the nation in war; it is not the contraband, because that no one will protect.

It has also been said, that if we adopt the resolution, and cannot get what we want from Great Britain, we will manufacture for ourselves. This sounds well on this floor, but I very much doubt the practicability of making this nation manufacture for itself, while we have land enough for every industrious citizen to become a land holder, and a cultivator of the soil. Connecticut and Massachusetts have tried the experiment, and both without success, and both on articles in which it was most likely to succeed; if these States, with their population, could not succeed, what chance of success is there in other States? The practicability ought to be satisfactorily shown before we enter on the plan. It may, as has been said, prevent our wives from wearing silk gowns, and ourselves from wearing broadcloth; whether it will produce this effect is quite uncertain; fashion is as great a tyrant as any we have to contend with; it will,

I fear, be difficult to destroy its influence, by legislating. The gentleman from Pennsylvania (Mr. SMILIE) and myself, plain as we are, are both obliged in some degree to yield to it; we can no more contend with it, then we can fly to Europe.

The gentleman from Massachusetts (Mr. CROWNINSHIELD) has told us, that the balance of trade between this country and Great Britain is ten or twelve millions annually against us, and endeavors to support the assertion by the report of the Secretary of the Treasury. It is true that the report states a balance against us of $11,710,000, and this the Secretary attempts to account for; no doubt he has done it as well as it can be done from custom-house books. But surely every one must be convinced, that you cannot rely on them for the balance of trade; this balance is always a secret, and depends much on the economy and industry of those concerned in trade. Is it possible that this balance can really be against us, and that it has been against us ever since the establishment of the present Constitution, and that our commercial intercourse should be constantly increasing with that nation? It seems to me to be impossible. If the balance was really so much against us, our merchants would have long since declined the trade. There is a trade carried on with the British dominions in the East Indies from the United States which appears by the report to be more against us than that just mentioned, and I am sure that the gentleman from Massachusetts will not say that the balance of that is against us. The annual exports to which are $130,000, and the annual imports $3,530,000. Here is a greater balance appearing against us, than that stated by him, because the whole exports to the first have been stated to be $15,690,000, and the whole imports are $27,400,000. The India trade I have always understood was very profitable, perhaps as much so as any carried on from the United States. But the same report informs us, that on the whole trade of the nation there appears to be a balance against us, of $6,855,000. Can there be anything more astonishing than this, and is it not evident that no reliance can be placed on the custom-house books for the balance of trade? Look at the people, happy and prosperous beyond example; all classes doing well; the old part of the country rapidly improving; the new settling with unheard-of success; the villages growing into towns, and the towns becoming cities; and all this with the last mentioned balance against us. Philosophers and statesmen may talk about the balance of trade, but if they confine themselves to the information to be derived from custom-house books, they might as well read Robinson Crusoe.

The same gentleman said, if war should come, we could take more from Great Britain than she could from us; that we had done so in the Revolutionary war. Without inquiring into past captures, let us examine the situation of both, at both periods. We are certainly much stronger now than we were at any time during the war; we have more men, and more tonnage, and more property on the ocean; and could, if the same naval force could be had to operate on the British navy, now as then, nearly destroy her commerce. But this cannot be had. At that time the navies of France, Spain, and Holland, were all united against her, and the navies of the two first for some time disputed possession of the channel with hers. The navies of these are now gone. But, besides, the armed neutrality acted upon her like a powerful screw; under the pressure of all these she nearly sunk toward the latter end of the war. Playfair's Political Atlas fully demonstrates this. No doubt in case of war, by privateering, we could take many of her vessels; suppose we took more of her vessels than she did of ours, would this be a commerce that would be beneficial to agriculture, or to the merchants engaged in exporting by fair and regular trade the productions of the country? No, it would not. In the regular trade everything is certain, in the other all uncertain.

It has been said we might sequester the debts due from this country to Britain, and thus indemnify ourselves. This, I never will consent to, so long as the treaty made by Mr. Jay is in force; however I may disapprove that instrument, I consider the faith of the nation as much pledged by it, as it can be by any engagement she can enter into with any foreign Power, But, it has been observed, that we may repeal the treaty, and thus, I suppose, get clear of the objection to sequestration, which is derived from it. We have once before tried this plan of repealing a treaty, with other half-war measures; but the repeal did not produce any consequence favorable to the United States. Suppose you repeal the treaty by law, and then undertake to negotiate, and your Ministers are asked, are you, in consequence of the repeal, at war? What answer will be given? This treaty, too, provides against sequestration in case of actual war; what opinions civilians and jurists may entertain of the repeal of such treaty, I know not. But, be this as it may, I never will consent to aid in blasting the fair fame which this nation has deservedly acquired for honesty and fair dealing; in this she is, in my opinion, inferior to none. I sincerely hope the gentleman who used the expression, will, from his known candor, on reflection, take it back.

I very sincerely regret that a gentleman from Pennsylvania, (Mr. SMILIE,) ascribed to a sentiment delivered by a gentleman from Virginia, (Mr. J. RANDOLPH,) a tendency to dissolve the Union. In my mind, it had no such tendency. The dissolution of this Union ought not, I conceive, to be mentioned in this House on any pretence whatever, and certainly ought not to be hinted at on slight grounds. I believe every State and every part of the country attached to the Union. Indeed, the Union may be compared to a chain, the value of which depends on its being whole, but may be destroyed by taking any one of its links away; and, whoever breaks the chain by which the States are linked together, will render the whole people miserable.

I come now to that part of the subject where every man must feel the injury done to his fellow-citizens. I mean the impressment of our seamen. Is there a father who does not feel this?

No; not one in the nation; and that man who shall devise a certain remedy for this evil, will deserve the thanks of his country; he will, indeed, be its greatest benefactor; he, like the impressed sailor, will have a place in the tenderest part of the hearts of his countrymen. If a plan to prevent this injury was only made known, the very knowledge of the plan would put an end to the injury. But can gentlemen seriously believe that the adoption of the resolution will produce this effect? The means are not adequate to the end, I conceive; at least, it remains to be shown that they are. I will, without hesitation, state what I believe to be the best remedy for the evil. It is this; to agree with Great Britain that neither country shall employ the sailors of the other; and to agree, also, on the proof that shall be required on both sides; we might expect that Great Britain would adhere to an agreement of this kind, because it would be her interest to do so, and on her interest alone, I should rely. In considering this subject, we must look at things as they really are, and not as we would wish them to be. The British Government exercise the right, or rather the power, of impressing their sailors; and, I believe, in time of war, of prohibiting their going into foreign service. Under these circumstances, it may be advisable for us not to employ them, notwithstanding we may do it with their consent, especially if it would prevent their impressing our countrymen. If the merchants really be the friends of the American sailors, they would willingly agree to such a regulation. If they would not be willing, is it not clear they would employ British sailors at the risk of having ours impressed? On this subject it might not be improper to state that, I have been informed, in some parts of the world, certificates of persons being American citizens are sold, and that the market has been well supplied. I have also been informed that a British officer in Philadelphia actually procured one for the purpose of enabling him to go home. This favored Great Britain. I have given this information, to show that others, besides citizens, may obtain certificates. Impressments, I fear, can only be prevented by negotiation; indeed, I have heard that the two Governments have been engaged on this interesting subject. I hope it will be resumed, and that it will end in securing to our countrymen their safety on the ocean.

We are told that the nation calls for strong measures, that the President has recommended them, and that men of the greatest talents think them requisite. This may be true, but as I have neither seen nor heard of this call of the nation, and as I do not know the opinions of others, I shall certainly pursue my own. The first Message of the President to Congress, most unquestionably pointed as strong toward Spain, as it did to Great Britain; and, hitherto, but little has been said about the usage we received from her. But the recommendation of the President alone, is not always a good reason for legislating, I apprehend, because every President has recommended subjects for the consideration of Congress, on which no act was ever passed. If ever the liberties of this nation are destroyed by strong measures, it will be when the recommendation of the President shall alone be deemed good cause for their adoption. At present, we have choice of all the resolutions on the table, notwithstanding all that has been said in favor of the one now under consideration. No doubt can be entertained, but the mover of each thinks his own the best. From the number, it would seem there was no difficulty in finding remedies for the injuries we have received.

Again: we must adopt this resolution, or we shall be degraded. This is no new phrase to me; I have formerly heard it so often, and on so many occasions, that I have become a sort of a skeptic on it. We shall not be degraded by living in peace with all the world. We shall not be degraded by not following the example of the European nations, by rushing into war, on every opportunity that may offer. War is nothing but another name for blood and taxes; we shall not be degraded, being free and happy at home; but we shall be degraded, if we fail in paying the national debt, or if we refuse to observe treaties constitutionally made. This will be the worst kind of degradation, because it will proceed from a want of morality. In order to induce us to adopt the resolution, we are seriously told that the revenue is derived from commerce. This I deny, and say that it is derived from the whole labor of the community. Stop the laborer in his field, and the revenue is gone. Commerce is useful, it is the means by which our productions are exchanged for the productions of other countries.

It has been said that the land tax overthrew one Administration; adopt this measure, and you may possibly overthrow another. I doubt whether the gentleman who made the assertion is altogether correct in point of fact; it may have aided, but other laws were passed, which undoubtedly had more effect, and were more obnoxious in the part of the country where I live. I mean the attempt to raise an army without an actual war; an army of officers, almost without soldiers; the Alien and Sedition laws. It was also said, we were pledged to protect this carrying trade. This reminds me of what I once heard said before, which is this: that we were pledged to pay the salaries of certain judges, after the law was repealed under which they were appointed. I believe we are as much pledged in one case as in the other, and not more; I know of nothing binding in this country, except the Constitution and the laws. A majority of both Houses of Congress may pass a law to give the carrying trade what protection they please, and that law will be binding. We are also called on to become the champions of the laws of nations, as if all nations would at once agree with us what these laws really are, and as if a majority of them adhered to their principles; when we know that scarcely a nation in Europe pays any regard to them; and that they will, at different times, entertain different opinions on the same subject. Have not most of them formerly declared, that free ships should make free goods, and

have not some of the same nations since given up the principle? Before we undertake this business, would it not be prudent to endeavor to ascertain the opinions of other nations, whose interest may be most like our own? I wish no alliance with any of them; but, if all the nations of Europe should be willing to yield the principle which we are desirous to maintain, no man will be mad enough to say we ought to contend for it. There is certainly a great difference of opinion as to the nature of the measure. Some think it a war measure; others that it may lead to war, and others again, consider it entirely pacific. Without attempting now to inquire which of the three opinions is most correct, it is sufficient for me, that I believe it will not produce the effect intended, and that its operation on the United States will be partial. If, however, it should be adopted, and produce war, that war we must support with all our strength; and if it produce a good effect, I, for one, will rejoice as much as any man in this House. A great many appeals have been made to the spirit of 1776; that spirit was not only the spirit of liberty, but also of magnanimity and justice; all the measures then taken, operated equally on every part of the Union.

It is said, this is the right time to settle all our disputes with Great Britain, because she is now hard pushed. If we wish to make a treaty that may be lasting, we ought not to take any unjust advantage of her situation; if we do, whenever she shall be free from her present embarrassments, she will be discontented and restless under it, and never satisfied until she gets clear of it. The true rule for us, is to take no advantage, and in all cases to act justly.

I agree in opinion with the gentleman from Pennsylvania, (Mr. SMILIE,) that war destroys the morals of the people. Hence, I was greatly surprised when he followed this correct sentiment with an assertion, that he would rather have war than loss of national honor. This thing called national honor has ruined more than half the people in the world, and has almost banished liberty and happiness from Europe. Destroy the morals of the people, and we may play over such a game of war as has been played in France; nothing less than to perpetuate the liberty and happiness of the nation ought to induce us to go to war.

It is a little remarkable that the United States have, since the adoption of the present Constitution, become the second commercial Power in the world; when, if we believe the public prints, she has lost capital enough to have ruined the most wealthy nation in Europe. Million after million is lost, and yet her prosperity is unrivalled, either in ancient or modern times. I know full well that, according to the opinions of the writers on the laws of nations, we have just cause of war against Great Britain. I also know as well, that we have heretofore had as good a cause of war against both Great Britain and France. We then preferred peace—the result has been prosperity. What destroyed the prosperity and liberty of Venice, of Genoa, and of Holland? Wars, and wars, too, generally undertaken to protect the carrying trade.

[It being now about half-past three o'clock, Mr. SMILIE suggested the propriety of an adjournment, in which the House acquiesced, on the intimation of Mr. MACON that indisposition disabled him from finishing the remarks which he wished to offer.]

TUESDAY, March 11.

The SPEAKER laid before the House a letter and petition from Arthur St. Clair, praying to be heard at the bar of the House in support of his petition, presented to this House at the present session; which were read, and ordered to lie on the table.

Mr. GREGG, from the Committee on the Public Lands, to whom were referred, on the eighteenth and twenty-fourth of December last, two petitions of Edwin Lewis; and on the twenty-fourth of January last, two petitions of sundry inhabitants of the Mississippi Territory; and, also, a memorial of the Legislative Council and House of Representatives of the said Territory; made a report thereon; which was read, and referred to a Committee of the Whole on Thursday next.

Mr. GREGG, from the same committee, to whom was referred, on the twenty-fourth of January last, the petition of sundry inhabitants of the county of Washington, in the Mississippi Territory, made a report thereon; which was read and considered: Whereupon,

Resolved, That the prayer of the petitioners, so far as respects locating a section other than number sixteen, in each township, where that number is not vacant, and for locating a section in adjoining townships, for the support of schools in such townships as have no vacant lands, is reasonable, and ought to be granted.

Resolved, That the prayer of the petitioners, so far as respects exonerating individual claimants from the expense of having their surveys executed; and so far, also, as it relates to an application for a tract of land on the Tombigbee, ought not to be granted.

Ordered, That a bill or bills be brought in, pursuant to the first resolution; and that the Committee on the Public Lands do prepare and bring in the same.

On motion, it was

Resolved, The Committee of Commerce and Manufactures be instructed to inquire into the expediency of altering the law in relation to the entrance and clearance of vessels in the following districts of the customs bordering on the Canadas, viz: New Hampshire, Vermont, Champlain, Sackett's Harbor, Oswego, Genesee, Niagara, Buffalo creek, and Presqu' Isle; and, also, of inquiring into the expediency of allowing cattle, sheep, and provisions, to be brought into those districts free of duty.

REMISSION OF DUTIES.

Mr. JOHN C. SMITH, from the Committee of Claims, to whom was referred the petition of Pe-

ter A. Guestier, agent of the former owners of the French ship Blaireau and her cargo, made the following report:

It is stated by the petitioner, that the French ship called the Blaireau, owned by a mercantile house in Bordeaux, set sail from St. Pierres, in the island of Martinique, some time in March, 1803, bound on a voyage to Bordeaux, having on board a valuable cargo, consisting principally of sugar and coffee, and consigned to different persons at the port last mentioned. That about the 30th of March in the same year, while the ship was in the prosecution of her voyage, she was met in the night, and run foul of, by a large Spanish ship-of-war, called the St. Julien; in consequence of which accident, so much injury was sustained by the Blaireau, that the captain and crew, after due consultation, abandoned her, and took refuge on board the Spanish ship, which continued her voyage to Spain, where they were all landed. That, on the day following the disaster, an English ship, called the Firm, commanded by William Mason, bound on a voyage from London to Baltimore, met with the Blaireau, thus abandoned by her captain and crew, and, after examining her situation, and perceiving there was a possibility that the injury might be so far repaired as to enable her to be brought into port, the captain put on board a part of his crew; who, on making the requisite repairs, with great labor, and at the imminent risk of their lives, succeeded in conducting her in safety to Baltimore, where she arrived the beginning of May following. That, shortly after the arrival of the Blaireau, a libel was filed in the district court of Maryland, by Captain Mason and crew, for salvage; that, by a decree of the court, salvage was allowed, and for that purpose a sale of the ship and cargo was ordered; and, finally, that the marshal, under whose direction the sale took place, was compelled, by the collector of the port of Baltimore, to pay, out of the proceeds thereof, the sum of $12,112 58, being the amount of duties alleged to be due to the United States. To obtain the restitution of this sum, under the idea that the duties could not legally be collected, is the object of the present application.

The petitioner founds his title to relief upon an opinion pronounced by the district judge of Maryland, when deciding the following case; That part of the Blaireau's cargo, which Captain Mason placed on board the Firm, he omitted to report to the collector of Baltimore. The district attorney, apprehending this omission to be a violation of the collection law, instituted a suit against the captain for the penalty of $1,000, imposed by the statute. On trial of the cause, it appears a verdict was taken for the plaintiffs, subject to the opinion of the court, upon a point saved by the counsel. Judgment was rendered in the following terms: "Mature consideration having been given to this case, it is the opinion of the court that the goods, wares, and merchandises aforesaid, are not chargeable with the payment of any duties to the United States, and, therefore, that the above action cannot be sustained. Judgment for the defendant on the point saved."

It may be safely affirmed, that the opinion of the learned judge was somewhat broader than the case submitted to his consideration. There might be, and there doubtless were, sufficient reasons to excuse the defendant from the penalty of the statute, independently of the question, whether the cargo was chargeable with the payment of duties. The decision, so far as it regards this point, must be deemed extra-judicial, and it remains only to inquire whether, from a sound construction of the statute, duties were chargeable in the present case. The words of the act relative to this subject are, "that, upon all goods, wares, and merchandise, which shall be *brought* into the United States, from any foreign port or *place*, there shall be levied, &c." It is difficult to conceive of language more explicit, more unequivocal. The word "imported" is not here used, and apparently for the purpose of avoiding any expression to which technical narrowness might be applied. The word "place" is introduced, manifestly with the same view; and the plain sense of the passage is, duties shall be paid on goods, &c., brought into the United States from any point without their limits or jurisdiction. A phraseology so simple, so perfectly free from ambiguity, might fairly be presumed to set criticism itself at defiance. The United States have unquestionably a legal right to the duties in this case; and who will say their claim is not equitable, also, when it is considered that, by the sale of the cargo, the amount of the duties has been identified with the price?

It is, perhaps, worthy of consideration, whether the collection law may not require some further provisions applicable to this subject. But such an inquiry is not within the province of your committee, nor is it at all necessary in determining the question submitted to their examination. The cargo, in this case, could not have been disposed of without the intervention of the district court, nor could the sale have been effected but through the instrumentality of the officers of the Government; under these circumstances, their negligence would have been highly culpable if the duties had not been retained.

Your committee are of opinion the prayer of the petition ought not to be granted.

Referred to the Committee of the Whole on Monday next.

IMPORTATION OF BRITISH GOODS.

The House resolved itself into a Committee of the Whole on the state of the Union on Mr. GREGG'S resolution.

Mr. MACON.—Permit me, Mr. Chairman, to return my thanks to the Committee for their indulgence yesterday; I was then too much exhausted to have concluded the observations I wished to make. I was then showing the state of a few nations who had attempted to protect the carrying trade by war. It has, I believe, been the fate of all who have made the attempt, Great Britain alone excepted, and she is at this moment engaged in a most tremendous war, almost overloaded with taxes, and tottering under her public debt. Can any fact more clearly illustrate the advantage of the peace over the war system, than a comparison of the tonnage between the United States and Great Britain, in 1789 and now? Ours has been the peace, hers the war system, and we have probably increased ten to her one. It seems to me, that it is impossible for any nation to carry on the whole trade of the world; and every attempt to force trade, is acting under the idea that it can be done. And every attempt to engross the whole carrying trade, is acting under the same impression. The large capitalists in the United States are concerned in this business. I wish not to meddle with it, but leave it, like

every branch of industry, to find its own level. They may dread war, because they may employ their stock in another way. But what is to become of those less rich, especially the young beginners? They must be ruined. If the resolution produces any beneficial effects, it must be on the carrying trade. It does not appear to be intended for anything else, and no one can believe that it will operate favorably to the seamen.

The measure will not only affect the revenue paid on the tonnage of vessels, and on the importations of goods, but it will also affect the revenue to be derived from the sale of the public land; it must very considerably lessen the number of purchases and may ruin many who have already purchased in Ohio. Many, no doubt, who have removed to that State, have sold their property, on a credit, to meet the payments which they were to make for the lands there purchased of the United States. Stop, by your measures, the sale of produce, or reduce the price thereof to almost nothing, and how are these people to get paid for the property sold before they went to Ohio? A disappointment to them may be ruinous; it may cause them to lose the land and all the improvements made on it. They have not quite so quick a remedy against their unfortunate debtors, as the United States will have against them. You may turn the people off the land, and nearly depopulate the State, but you will get no money.

It is pretty evident, from the argument of a gentleman from New York, (Mr. WILLIAMS,) that the resolution is not expected to operate injuriously on the exportation of grain from the Middle States. He told us that we must protect commerce; and that he was in favor of the resolution, (meaning, I suppose, that the resolution would protect it—or, the people in the back country would drink too much whiskey.) If, then, the resolution would protect commerce, and thereby insure the exportation of grain, there will not be grain in the country left to make whiskey. This is, in some measure, acknowledging that for which we have been contending, to wit: that the resolution will operate partially. But I deny that the people in that part of the country are more in the habit of intoxication than their neighbors in other parts of the Union. They are as moral, as industrious, and as honest as those living elsewhere. I do not contend that they are superior, only that they are equal.

Much has been said about the spirit of the nation, and that we are far behind it—meaning, I suppose, those who oppose the resolution. As to my part, I know not how the spirit of the nation has been ascertained. There is no manifestation of it on the table. It is, however, true, that two towns have sent resolutions pledging their lives and fortunes to support whatever measures Congress may adopt. There are, also, several memorials from the merchants and insurance companies; but if gentlemen take these for the manifestation of the national spirit, they are, I think, mistaken. The national spirit is to be found nowhere but among those who are to fight your battles. These people may, for aught I know, be of that number. They may have been before Tripoli, and they may now be ready to enter into the army or navy. Addresses, we well know, will not fight battles, nor fill regiments. We have seen, in former days, the Speaker's table loaded with addresses from almost every part of the Union, pledging, also, their lives and fortunes to support any measures that the then Administration might adopt. What was done? Among other acts, one was passed to raise twelve regiments of infantry. There was no difficulty in getting officers—unless, indeed, it was to make the selection out of the great number who applied—but how was it about privates? Instead of getting enough for the twelve regiments, scarcely enough for four could be enlisted. At that time, too, we heard a great deal about the spirit of the nation, and saw a something of the spirit then talked of, in a corps called the —— Blues. Those who then spoke of the spirit of the nation were deceived. They took the vaporings of the towns and the noise of the addressers to be really the spirit of the nation. But, be assured, sir, that whenever the spirit of this nation shall move, that every individual, in every department of the Government, will move too.

The ocean must be considered a common and undivided property, to which each nation has a right; hence the difficulty of affording the same security and protection there as on land, where each knows the spot, where his dominion ends and his neighbor's begins. It is vain, therefore, the real situation of the United States being considered, to expect from her that perfect protection on the ocean which she can afford within her territorial limits. I believe this cannot be done, even to that part of the ocean from whence we get our exports. Other nations also frequent the same place, for the same purpose. This, like the rest, is joint property. Not so with our land, no nation pretends to claim a right to cultivate that.

Permit me here to remark, though not directly connected with my last observation, that I consider the report of the Secretary of the Treasury to be as correct as any man living could make it; and that from custom-house books, it is impossible to obtain that information which could really show the true balance of trade.

A gentleman from Pennsylvania, (Mr. FINDLEY,) has gravely told us that it would do more harm, since the resolution has been taken into consideration, to reject it, than if it had never been brought forward. This is placing those who do not like it, or who prefer any of the other resolutions to it, in a strange dilemma. The friends of it ought to have thought of this before they went into the discussion. If any injury should be produced, either by the rejection or the adoption, they are to blame, and not those who oppose it. It is their measure, not ours. It is, in fact, endeavoring to throw the blame of their conduct upon us. The same gentleman made a very unfortunate comparison, when he compared wagons, carrying our flour to market, to vessels engaged in the carrying trade. No two things are more unlike. The wagon is only intended to carry our own productions, to our own markets; and the

vessels are engaged in carrying foreign produce to foreign markets. Besides, the nation pays protecting duties, to encourage the owning of vessels, while the owner of the wagon is left to depend on his industry and skill; and if any man should ask the Government to encourage the employment of wagons, he would be laughed at. Yet wagons are certainly as necessary as vessels. The one carries loads of our own productions, to our own markets, while the other, which is engaged in the fair trade, for home consumption, carries cargoes of them to foreign markets.

A gentleman from Maryland, (Mr. MCCREERY,) in order to induce us to adopt the resolution, has informed us that the towns, in proportion to their numbers, pay more taxes than the country. He did not prove the fact to be so—he cannot. The towns, I apprehend, pay little or no tax. Their merchants and mechanics, who act prudently, calculate on, and generally get, a certain profit. You cannot tax the capital of the merchant. Impose what duty you please on goods, he immediately considers it like first cost, and charges the same profit on it. The consumer not only pays all the tax and charges on merchandise, but he pays them, with a profit, to the merchant. Whenever a merchant shall begin to live on his capital, we all know he will soon eat it out. To the mechanic, the Government has given protecting duties, which secures to him the sale of almost every article he may make, at almost any price. The cultivator of the soil depends on himself, and is often compelled to sell the products of his land for any price he can get, because they will not keep in good condition all the year, like the goods of the merchant and mechanic. From these considerations, it seems to me that it is at least probable, that the towns do not pay more than their proportion, nor even as much.

The same gentleman told us that the nation sustained a considerable loss by sending too much tobacco to England. This seems to me to be a little like what we heard about the balance of trade. But it may be so. I will, however, state my sentiments on the subject; if erroneous, I shall be glad to have them corrected. Merchants, like everybody else, do business with a view to gain, and would they, year after year, send tobacco to England if they could do better by sending it to the continent? I apprehend they would not. They understand their business, and do what is best calculated to promote their interest. In examining this subject, we ought to take into consideration the profit to be made on the whole voyage, not barely the price of a single article at a particular place. The place where the whole exported cargo can be sold dearest, and the imported one bought cheapest, is the place which will always give the most profit. If a merchant should send a cargo of tobacco to England, and wished a few pieces of Russia sheeting in part of the return cargo, would it not be better to purchase them there, than send his vessel to Russia for them, where they could be bought a little cheaper. He would, I conceive, actually save by so doing. I wish the gentleman had told us the place where the tobacco might have been exported to, so as to save all that he now thinks we lose by sending it to England. I should have been glad to have been informed whether the places were known to possess mercantile capital, and whether merchants of established character lived at them; that sort of character to which a prudent man might with safety consign the most valuable cargo. He did not tell us that we lost by sending cotton to Great Britain. It may, therefore, be presumed, that it could not be sold anywhere else at this time to more advantage. Is there any other country in Europe now prepared to manufacture it? I believe not; nor will it be purchased by any to lay up until able to do it. Before it is possible to manufacture, mechanics, who understand the business, must be obtained. Neither they nor the necessary machinery can be got in a day. It is now well known that, since the introduction of labor-saving machines, manufactures do not depend so much on the number of people as formerly. I ask, what country on the continent of Europe, convulsed as she is to her centre, can offer a market for this article? What country there is now in a situation to commence large and extensive establishments to manufacture for exportation? Is it Germany?—overrun. Or is it France, raising every man she can to make new conquests? If they have mechanics and merchants both, is the skill of the one, or the reputation of the other known? I fear not. Sir, I would to God that we had not so much commercial intercourse with Great Britain, and I sincerely wish our commerce was more equally divided among the nations of the earth than it is; but I know not how this is to be done. Trade thrives best when left to itself. The merchant must be left to trade in the way he most approves, provided he shall not hazard the peace of the country thereby.

The gentleman from Vermont (Mr. ELLIOT) has told us, that by adopting the resolution, we shall encourage other European nations to manufacture for us. It is, I conceive, quite enough for the agricultural part of the community to pay their money to encourage the manufactures of this country. It is as much as I am willing to do. But what certainty have we, if we adopt the resolution, and give the proposed encouragement, that any of them will leave their present occupation, be that what it may, to take our advice? Each one of them may think that their interest is as well understood at home as we can possibly understand it.

The gentleman from Massachusetts (Mr. BIDWELL) stated the case of our prisoners at Tripoli, as a case in point. He is, I think, mistaken. We were at open war with that Power, when the frigate Philadelphia unfortunately struck on the rocks in the harbor of Tripoli. The result is known. The enemy got possession of the vessel, and the crew were made prisoners of war. There then existed a state of actual war between the United States and the Tripolitans. In the present case we have just cause of complaints against Britain, and are endeavoring to have them settled

by negotiation. I will state a case which seems to me to compare better with the situation of our unfortunate countrymen who may be now impressed on board the British ships of war. It is the case of Captain O'Brian and his crew, who were captured by the Algerines, and remained with them so long, that I believe the captain, in the latter part of the time, dated all his letters to his friends by the year of his captivity. I have understood they suffered as much as any people could bear. We had then, I believe, no addresses, no resolutions, nor memorials from the merchants and insurance companies. But this case may not be thought to apply to that part of our complaints which relate to the capture of our vessels carrying coffee and sugar to France and Spain by the British armed ships. I will state one, which I think has some; it is the case of Scott, of South Carolina, which has been decided in this House. He claimed pay for property taken by the Indians at a time when no open and declared war existed. He got nothing from the national Government. The United States in a treaty gave the property up to the Indians. I believe at the time it was taken some hostilities had been committed. Permit me here to observe that no agent was appointed by the Government to endeavor to recover this property, and that I well recollect, when the claim was under debate, that it was stated by a member of the House that one of the Indian agents had got the treaty at his desire so formed, as to relinquish a claim for the property.

I have endeavored to confine my observations to the resolution now under consideration, and to answer some of the arguments urged in its support; though I confess, that, while examining this, I have also paid some attention to the others on the table. I wish gentlemen, before they vote, would seriously consider whether this is the best. I think it is not. When we reflect on the happiness we enjoy, the prosperity of the nation, the growth of the villages, towns, and cities, the improving state of agriculture, the number of turnpike roads, bridges, and canals, which are undertaken in many parts of the Union, and that one improper act may alter for a time this happy state, and retard every improvement, we ought to be cautious before we change the ground on which we stand. Complaints have been made of delay on this important subject; they are, in my opinion, without foundation. It required serious deliberation, and no time has been lost. It is always far better to decide rightly than quickly. It is immaterial to other nations what estimate we form of our own strength—there are two rules by which they will judge: the number of men, and the state of the treasury. Indeed, it seems of late to have become a maxim in war, that the longest purse is the longest sword. It is true that we have a single million in the treasury to spare; it is equally true that resolutions are before us, which, if adopted, will require at least that sum to carry them into execution. In this situation, ought we to take measures which may endanger the revenue without providing ways and means to meet any deficiency? We talk of war with an almost empty treasury; no two things can be less connected, except that they are both bad. I have stated that which appeared to me to be the best plan to secure our seamen from impressment; but the man who shall actually produce the plan, which shall have the effect, will deserve the gratitude of the nation.

In this time of difficulty we are all embarked in the same ship; my ardent prayer is, that whatever shall be done, may promote the interest and happiness of all.

Mr. G. W. CAMPBELL.—Mr. Chairman, I rise to submit to the Committee some of the reasons that will govern my vote on the measure now under discussion. In doing this, it is not my intention to go over the various grounds taken in this debate, or to answer the several arguments that have been advanced, in support of principles to which I am opposed. My object will be to lay before the Committee such a view of the subject as I conceive best calculated to ascertain the true ground on which we stand, and the measures which, in the present crisis of our affairs, it would be advisable to adopt.

I am not disposed, Mr. Chairman, to pursue measures that will crimson the American fields with the blood of her citizens, any more than other gentlemen who have spoken on this subject; nor am I willing that thousands of innocent persons should suffer distress and ruin, for the benefit of a few individuals—a few merchants; which, it has been stated, will be the effect of the measure before you; neither, sir, will I ever give my vote for any measure that shall appear to me calculated to sacrifice the agricultural interest of this nation to that of commerce, or have a tendency to enhance the latter at the expense of the former; and so far as the resolution before you appears to me likely to produce this effect, I shall oppose it. The people whom I have the honor to represent are chiefly agriculturists, and it will always be my wish and my pride, to support their interests, and to cherish and promote the agricultural interest of this country in general, so far as it may be in my power. But I am not, at the same time, prepared to see the nation suffer, without resistance, every indignity with which Great Britain may choose to treat her, and submit patiently to every aggression and outrage her cruisers, under her authority, may choose to commit on our citizens and our commerce. I conceive it our duty to take such measures as will prove to the world a determination on our part to resist injuries and maintain our rights. In regard to the commercial relations of this country with foreign Powers, I deem it proper on this occasion to declare it as my opinion, which I have always entertained, that it would have been better for the American people, if Government had never given protection to commerce, out of sight of our own territory, or beyond the reach of our cannon from our shores. It would have been well for us, sir, if the American flag had never floated on the ocean, under the authority of Government, to waft to this country the luxuries and vices of European

nations, that effeminate and corrupt our people, to excite the jealousies and cupidity of those Powers whose existence, in a great degree, depends on commerce, and to court, as it were, their aggressions, and embroil us in their unjust and bloody contests. If we had guarded against those pending evils by leaving commerce to seek her own protection, except within the limits of our own jurisdiction, we should have had a fair prospect of continuing to flourish a free, independent, and happy nation, much longer than I fear will be our destiny to do, if we continue to become more and more entangled in European politics and intrigues—to be subject to feel the effects of European convulsions, and national contests, in consequence of being deeply engaged in commercial realations with European Powers. If we had adopted this policy, foreign nations would have vied with each other for our commerce and our friendship, and would convey the surplus productions of our country from our storehouses, and furnish us in return with those articles and manufactures of their countries, which our necessities or convenience might require; and we might then behold the collisions of the great Powers on the continent of Europe, and their jarring interests contending for superiority, without endangering our peace or our happiness, and with no other inconvenience than the regret we might feel for the miseries and sufferings of that portion of the human family, with whom, however, we had no immediate connexions.

But, Mr. Chairman, we have assumed the character of a commercial nation, abroad as well as at home. Our Government has, in some degree, pledged the nation to protect commerce, and under this impression our citizens have embarked largely in trade, and made considerable progress therein. The enterprising spirit of our merchants has raised this nation to rank, in regard to commerce, the second in the world, and from this source also, our revenue is chiefly derived. Under these circumstances, I am not prepared to say, this is the propitious moment to retrace our steps, and without even giving notice of our intention to do so, abandon our merchants and their property to the rapacity of a foreign nation. I conceive, on the contrary, it is our duty to afford them such protection as the resources of our country, and the prospects we have heretofore held out, would authorize them to expect.

In examining this subject, the first important inquiry that presents itself, is, in regard to the grounds of complaint which have occasioned the resolution before you to be proposed. There are two. First, the impressment of our seamen; and second, the unjust, and, as we believe, unauthorized aggressions committed on our commerce by the cruisers of Great Britain. If you look at the documents on your table, you will see that our seamen have been impressed by that nation for years past, without the color of right, and in a manner, which it is not pretended, on this floor, is authorized by justice, or sanctioned by the laws or usages of nations. They have been treated in the most unhuman manner, if information is to be relied upon; compelled to perform the hardest duty in her ships of war, and forced against their will to fight her enemies, who were at the same time on terms of friendship with us. They have been taken from sea to sea, and from place to place—from one country or island to another; shifted from ship to ship, and often sent to distant parts of the world, so as to place them beyond the research of their friends or their country, and put it out of the power of either to reclaim them, by producing the proofs required of their citizenship to obtain their liberation. It has been stated that Great Britain has always been willing to deliver up such impressed seamen as were proved to be *bona fide* American citizens. But this is a fallacious pretext on her part, from which little or no benefit can arise to us. She impresses our people, without inquiring in regard to their citizenship, or paying the least regard to their protections. Their friends knew not where to find them, the Government cannot ascertain where they are, and years sometimes pass before it is known whither they have been carried. It has, therefore, in most cases, been found impossible to procure their release, and restore them to their friends and their country; and there are at this moment, unjustly detained by that nation, between two and three thousand of our seamen; who have been impressed without any other pretext, than that they spoke the English language, or resembled, in their persons, the inhabitants of the British empire. Our Government has, in vain, remonstrated, time after time, on this subject to the Court of St. James. No satisfactory arrangements could be obtained, nor is there any fair ground to expect a change in the conduct of that Government in this respect. Complaints have been made and repeated in every quarter of the Union on this subject. The outrages committed on our citizens have made an impression on the public mind, that demands on our part the adoption of some decisive measure to correct the growing evil. It has, indeed, been said by some gentlemen on this floor, that there exists a prospect of the fair adjustment of our differences with Great Britain on this subject. I would ask those gentlemen, upon what information this opinion is founded? For myself, Mr. Chairman, I know of no just ground to authorize such expectation. The documents on your table do not justify a belief, that there is at this time the least prospect of adjustment. They inform us, there was once such a prospect, but that it has long since vanished; and so far as we can collect information, from those documents, as well as from other sources, there is not to be found in the conduct of the British Ministers, the slightest foundation for a belief that they are disposed to relinquish the ground they have taken, unless it is rendered necessary by some effective measures on our part. I would then put it to gentlemen to say, if we are not at this time to take any step whatever, towards vindicating our violated rights, when will be the proper time for us to act? Have we not patiently endured those injuries long enough? And if not, how much longer must we tamely submit to them? What time can be more

favorable than the present to resist them? Will it be when Great Britain has gotten into her possession a greater number of our seamen? When, instead of near three thousand, she will have gotten, six, eight, or ten thousand? Will it then be a more proper time to make a stand—to call upon her by some efficient measure to do us justice—to treat us as an independent nation, or to tell her, that we will at least, cease to treat her as a friend? I presume not, sir. I cannot conceive it proper that we should wait for such an event, before we make a stand in defence of our rights. On the contrary, it is my opinion, there can be no time more likely than the present, to render effectual any measures we may adopt. The present state of the war in Europe, which sufficiently occupies the great Powers in that quarter, if properly considered, and its probable results, in regard to us, duly weighed, ought, it appears to me, to convince any man of reflection that this is the most favorable moment to insist on finally adjusting our differences on this subject with Great Britain. The right of our seamen to protection, while they sail under our flag, is undeniable. It is a perfect right, as much so as the right to be protected within our houses, or in our carriages on the highway. You ought, therefore, never to abandon it, on any pretence whatever; nay, sir, you cannot abandon it, in justice to your citizens, unless, indeed, you are willing to surrender your independence as a nation. The ocean is a highway for all nations, over which no one Power has exclusive jurisdiction. If you resign this right now to Great Britain, what reason have you to believe she will not push her demands further, and urge you to resign another, that may be still more important? It is high time that this business was brought to a final close, for if your seamen are to be seized wherever they are found on the ocean, you had better strip your ships of every sail they carry, confine your citizens within the limits of your own jurisdiction, to fight your own battles, should it become necessary, rather than see them exposed against their will, in fighting the battles of a foreign nation.

The second ground of complaint is the aggressions committed on our commerce, contrary to the law of nations, and in violation of every principle of justice. Great Britain assumes to herself the right to interdict to neutral nations a commercial intercourse with the colonies of her enemies, except under such modifications as she has been pleased to prescribe. She justifies the capture of your vessels on the ground of their being engaged in a commerce, during the war, that was not open to them in time of peace. If this principle be once admitted as correct, and carried to the full extent of which it is capable, it will be found, in its consequences, almost wholly to destroy, not only the commerce of this country as a neutral, but that of every neutral nation in the world. You are told you must not in time of war exceed your accustomed traffic in time of peace. What is the consequence? War, in a great degree, destroys the trade which you were accustomed to enjoy in time of peace, as a great part of it becomes contraband of war; and this new principle shuts up all the avenues of commerce that were opened, in consequence of, or even during the war. What commerce, then, let me ask, will be left to the neutral? None, sir, that will deserve the name of commerce. But the reasons advanced in support of this principle, will go still further to show its destructive consequences. One of the reasons given why you must not carry on this trade, is, because it is beneficial to the enemies of Great Britain, as you thereby furnish them with provisions and other articles of merchandise, which relieve them from the pressure of the war, and prevent her from deriving all the benefits she otherwise would do, from her superiority at sea. If there is any solidity in this reasoning it will go the whole length to prohibit you from carrying the productions of your own farms to any nation the enemy of Great Britain. Your provisions, bread stuffs, beef, and pork, are surely as useful for carrying on war as the produce of the West India islands. She has hitherto, it is true, applied this reasoning only to the productions of the colonies, but it will equally apply to those of your own country. Hence, the injustice and absurdity of the principle must appear evident to every discerning and unprejudiced mind. But she has already, in carrying into effect her new principle, gone further than merely to prohibit neutrals from carrying colonial produce directly to the ports of her enemies. She has laid the ground-work to prevent you from carrying to those ports your own productions. Your vessels are seized and condemned for being engaged in conveying to her enemies colonial produce, which has been fairly purchased and paid for by your citizens, brought to this country, and, according to your revenue laws, made a part of the common stock of the nation. If there is a shade of difference in principle between this case, and that in which the produce of your own farms should be captured on its way to the same enemy's ports, it is as flimsy as can be conceived to exist. When your people have purchased the productions of other countries, and fairly paid for them; brought them into your own, and complied with your municipal regulations respecting them, they become neutralized, and as much a part of the common stock of the nation as if they had been raised on your own farms; and the same principle that would inhibit you from carrying these to the ports of a belligerent, would, by parity of reasoning, prevent you from carrying to the same ports the productions of your own farms.

But, Mr. Chairman, let us for a moment inquire whence Great Britain derives the right, according to any known principle of law or justice, to seize and condemn colonial produce, the property of a neutral, in consequence of its being destined for the ports of the parent State, her enemy? Strangers can acquire no rights against each other, in consequence of the domestic regulations relative to commerce, which a Power independent of them may choose to establish. Suppose France, by law, in time of peace, should prohibit the importation of colonial produce to her ports, on the

continent, except in her own vessels, Great Britain could have no right to capture an American vessel engaged in such trade. France alone could rightfully seize and condemn such vessel for the infraction of her laws; but no other Power could have such right. Suppose such prohibitions removed by France during a war, and the trade declared lawful, could Great Britain thereby acquire a right to capture such vessels for being engaged in a trade now declared lawful, which she could not do when it was unlawful? Certainly she would not. Such doctrine would be contrary to the plainest dictates of reason and common sense. She had no right to capture such vessel, while the prohibition continued, and she could not certainly acquire the right by such prohibition being removed. The intervention of war cannot alter the case, for the rights of neutrals, except as to contraband, remain the same in time of war as they were during peace. I must therefore consider this principle assumed by Great Britain as a flagrant violation of the law of nations, contrary to every principle of justice, and such as ought not to be sanctioned by this or any other independent nation. If you tamely submit in this instance, she will assuredly push her aggressions still further; encroach on your rights, step by step, as her convenience and interest may require, until she has effectually destroyed your commerce, and monopolized to herself the whole of its profits. That part of our commerce that becomes immediately subject to the operation of this new principle, has been stated as very unimportant, and under the name of the carrying trade, has been ridiculed as not meriting the notice of Government. A very few remarks however will, I apprehend, show that it is not so insignificant as has been represented. In our trade with Great Britain, there is a balance in her favor of nearly twelve millions of dollars. This balance must be paid out of the proceeds of the exports of the United States to other countries. Many of those countries that consume a great portion of our produce, cannot give us specie in return. Our merchants must therefore, in all such cases, return the produce and manufactures of such countries instead of specie; and, as the quantity of foreign produce and goods thus received exceeds the amount necessary to supply the demands for consumption in this country, it becomes important that this surplus should be carried to other markets, where there is a demand for it, and where specie can be obtained in return. This has heretofore been done by our merchants, by first importing such foreign produce into our own country, and then re-exporting the same for a market; and by means of this trade alone have they been enabled to discharge the balance against us in our trade with Great Britain. The annual value of imports into the United States amounts to about seventy-five millions of dollars; of this, twenty-eight millions are re-exported to all parts of the world, and of that amount, eighteen millions go to the dominions of Holland, France, Spain, and Italy. The greater part of which is subject to capture by the new principle of the law of nations acted upon by Great Britain. This is the carrying trade, sir, which gentlemen have considered so unimportant as not to merit the attention of Government. Instead of estimating this trade at $850,000, as gentlemen have done, being the net revenue derived therefrom, (and which is not considered as paid by citizens of the United States,) it may fairly be estimated at nearly eighteen millions, or about one-fourth of the whole of your imports, nearly in the proportion of eighteen million to seventy-five. For if your merchants are not permitted to re-export the surplus foreign produce to those markets where there is a demand for it, it will remain on their hands and rot in their store-houses. This would also sink the price of your own produce, as there could not be a sufficient demand for it, because your merchants would not receive in return foreign produce. Your trade must, therefore, be diminished nearly in the proportion before stated. I ask gentlemen if this trade is cut off, how your merchants are to get specie to meet the balance in favor of Great Britain of twelve millions of dollars? If this cannot be done, your imports must diminish in proportion as the means of remittance fail, and your revenue must also feel the shock, and suffer in the same proportion as your importations are lessened. This is a view of the subject, which I presume deserves at least the serious consideration of gentlemen, and I beg of them to pause before they agree to relinquish, without a struggle, this portion of our national rights—for, if you submit in this instance to the interdiction imposed by Great Britain of carrying colonial produce to the ports of her enemies, she will assuredly advance her pretensions, as already stated, still further, and insist on the right to prohibit you from supplying them with your own; and it may fairly be asked, on the ground she has taken, where is the difference between sending colonial produce to her enemies and sending your own produce? The quantum of injury to her, and of benefit to them, will be the same; and she will have nearly the same right to prohibit in the one case as in the other. This shows the necessity of taking some decisive step that will convince Great Britain that we are determined not to submit to these aggressions; that will tell her, in firm and manly language, thus far you may go, but not farther. On this subject, also, our Government has remonstrated to that of Great Britain without effect. No satisfactory arrangements could be obtained, and there is no greater prospect of an amicable adjustment of our differences with that nation at this moment than there was a year ago, nor have I any idea that we shall find ourselves in a better situation in this respect, one, two, or three years hence, if we tamely acquiesce, than we now are. There is, therefore, no ground for delay; we can derive no benefit from it; this is the time we ought to act, the most propitious that is likely to present itself.

I shall, in the next place, Mr. Chairman, notice the present state of our relations with Great Britain, in order to ascertain whether we are prohibited by any existing treaty or regulation, from

adopting such measures, in regard to her, as the present state of our affairs may seem to require. We have no commercial treaty with that nation, except in relation to her colonies on the continent of America, adjacent to the United States. We are, therefore, at liberty to adopt such regulations in regard to our commerce with her, as our situation may require. We are certainly not bound, before we adopt a commercial regulation, to inquire how Great Britain would approve it? Or that it might affect her interest, except so far as to ascertain its efficiency to induce her to remove the grounds of complaint. We, undoubtedly, have the right to declare with what nation we will carry on commerce, without giving just cause of war. This is a right inherent in every independent nation; and, in the exercise of it, we are not to be guided by the power or weakness of the nation it may affect. The right is the same whether Great Britain has one hundred or one thousand ships of war; and if you resign this right to regulate your own commerce, you may as well resign your independence as a nation. But, in justifying this conduct toward us, does Great Britain pretend that we have acted unfriendly to her? No; she has taken no such ground, except, indeed, in stating that this part of our commerce is beneficial to her enemies, which would equally apply to any other part of our trade with them. There is, therefore, no concession we can make, consistent with our just rights as a nation, that would be likely to produce a relinquishment on her part of the ground she has taken. Believing, therefore, the conduct of Great Britain to be such as requires some efficient measures to be taken on our part, and believing, also, we have a right, without giving just cause of war, to adopt the resolution under consideration, or any other of a similar nature, I shall proceed to inquire the effects such a measure would have on Great Britain, and the probability that it would induce her to do us justice. There is at present annually imported into this country from the dominions of Great Britain, merchandise to the amount of thirty-five millions of dollars; for the greater part of which she receives specie, or American produce, equally valuable, and more necessary for her support as a nation. In this trade there is in her favor a balance of twelve millions of dollars. Surely, sir, it can require no argument to convince any man of the vast importance to Great Britain of a trade that furnishes a market for so great a quantity of her produce and manufactures; supplies her in return with those articles which are most necessary for her support, and produces a balance in her favor of twelve millions of dollars. A total or partial interdiction of this trade would diminish her profits derived therefrom, in proportion to the extent of such interdiction. Her manufactures would remain on hand and rot in her storehouses; there would be no demand for them in European markets, when the like articles are furnished from the manufactures of their own countries, and the resources of the nation would suffer in proportion as the trade was stagnated. If we are to pay any regard to the public prints of that nation, we must conclude such a measure would have a very serious effect upon her interest. They inform us that country would sustain an annual loss of seven millions sterling, by the operation of a measure similar to that before you. Is it likely, sir, her merchants would tamely submit to such a loss? No, they would not; they would call on their Government to remove the cause, and their power and influence there are too well known to believe they would not be heard. Further, Mr. Chairman, such a measure would induce our merchants to seek other markets, where they could vend our produce and receive the necessary supplies. In this Great Britain would discover the dangerous consequences likely to arise from her injustice, and feel sensibly the effects it might produce on her mercantile interest. This measure would have another effect in regard to us. It would render us less dependent than we now are on Great Britain; which, I conceive, would be a very fortunate circumstance; for I cannot consider it the interest of this country to be united too closely with, or rendered dependent on any foreign nation, by means of mercantile connexions with her citizens; and, in proportion as our connexions with, and dependence on, Great Britain would cease in this respect, in the same proportion we should be freed from foreign influence and from the effects produced by her mercantile interest on the public mind, in some portions of this country. Permit me here, Mr. Chairman, to notice an observation made by the honorable Speaker, (Mr. MACON,) when he inquired why our merchants did not go to other markets than those of Great Britain? The answer is obvious, from what has been already said. Many of our merchants are connected with British merchants; many of them the mere factors of British merchants, trading with British capital; such men will not seek other markets, while they are permitted to procure their merchandise in that country, where they have their capital and connexions —where they are better known, and have more extensive credit; our real American merchants have also large connexions and extensive credit there, and they will be unwilling to relinquish these, unless Government shall, by some effective measure, give a new direction to trade and a new impulse to our commercial affairs. But, let this once take place, and I am convinced our merchants will be able to procure most, if not all, of the articles we consume at other European markets—those of France, Spain, Holland, Italy, and Germany, &c., on as good terms; or, the channels of trade once changed, Great Britain will find it difficult to restore them to their former direction. This she must know, and when she sees the conduct she is now pursuing will produce this effect, there is reason to believe she will relinquish the ground she has taken and do us justice. It is her interest, it is her true policy to do so.

It is said, however, that though we interdict importation from Great Britain, she will be able, notwithstanding, to discharge or dispose of all her manufactures; that they will find other markets, and through them find their way to the United

States. This is an evasive and an inconclusive argument. It may be a sound general principle that commerce, on a large scale, will seek its markets and find its level, as the waters do in the ocean: but regulation, such as that before you, will affect its course, change its direction, impede its progress, and determine its channels, so as to deprive some countries of its benefits, in favor of others, in the same manner that mountains, hills, and valleys, change and shape the directions of water courses in their progress to the ocean.

But, it is insisted, this measure will produce war; I consider it entirely in the nature of a commercial regulation, and such as cannot, as already stated, give any just cause of war. But, it is asked, will Great Britain inquire whether it is, or is not, just cause of war? Will she not consider it so, because it is against her interest? If gentlemen will have it that Great Britain has abandoned every principle of justice, it is vain to expect she will, on any occasion, be governed by reason, or motives of propriety, in her conduct toward us; if she is totally regardless of common right, and governed by her interests alone, she waits only a more favorable opportunity to give our commerce a more deadly blow; and it is, therefore, high time to withdraw ourselves from all connexions with her. But, I am not prepared to go this length; I cannot believe a great nation, who holds a dignified rank among the Powers of the earth, would expose herself to the indignation and derision of the world, by abandoning all respect for justice and public right. I must believe she still retains some regard for her national honor; and, if not for her honor, she does for her interest: all that she could say, with any color of justice, would be, that she has the right to adopt other regulations on her part to counteract yours. Let us inquire into the effect of such regulations. She may say, your produce shall not go to her colonies, her islands, or any of her dominions. If she takes this measure, she will prepare the most effectual scourge for her own subjects. She will reduce the inhabitants of those islands not only to a state of starvation, but force them at length, in all probability, into insurrection. We have already witnessed the complaints of those people to the mother country. We have seen the picture they have drawn of their sufferings and distress, and their declarations that they cannot exist without the produce of the United States. How, then, shall Britain retaliate? She cannot do it effectually without injuring herself more than she will you. Hence, I am clearly of opinion, the adoption of proper measures on our part—of measures similar to that before you—would be likely to produce the desired effect in the conduct of Great Britain toward us.

An important inquiry remains to be made; and that is, the effects such a measure, as that now before you, would produce on the commerce of the United States, on the revenue, and on the agricultural interest. It has been insisted that it would destroy your commerce. This must be on the supposition that it would produce war. I have endeavored to show this would not be the necessary nor even the probable consequence of it. I am not, however, prepared to vote for it, at this time, in its present shape; but I do not refuse my assent to it because I believe it to be a war measure, nor because I think Great Britain herself would consider it so, but because I conceive it more advisable to adopt a measure that will not so materially affect either your commerce, your revenue, or your agricultural interest. On this ground I would myself prefer a measure that would impose additional duties on British merchandise, or I would agree to interdict the importation into this country of certain specified articles, the growth or manufacture of Great Britain, as proposed by the resolution introduced by the gentlemen from Maryland. This measure would not have a very serious effect upon the commerce of our country, as such articles might be selected, and, indeed, are in the resolution alluded to, as could be conveniently enough procured at other markets. It would, at the same time, paralyze the most valuable and profitable portion of British manufactures, and enlist the mercantile interest of that country against the present unjust proceedings of their Government. The result cannot well be doubted by those who know the powerful influence their merchants have over the affairs of that nation. The amount of duties arising from merchandise imported from Great Britain, paying a duty ad valorem, is somewhat less than three millions and a half of dollars. The articles proposed to be prohibited are chiefly of the description paying such duty, but do not include the whole of them. The introduction will not probably extend to more than one-half the merchandise in value, paying such duty. But, suppose the amount, on the prohibited articles, should be two millions—the only diminution of revenue that could take place must arise from a failure on the part of our merchants to obtain those articles at other markets, and would be only proportioned to such failure. Suppose they should fail in obtaining those articles to the extent of one-fourth of the whole; the loss of revenue would be proportioned, and might be estimated at half a million; though I do not, myself, from the best information I have been able to obtain, believe it would exceed one or two hundred thousand dollars. This loss of revenue is certainly not so important as to prevent us from adopting, and, once adopted, adhering to a measure we deem calculated to vindicate our rights. I shall not descend into details, as to the countries in which those articles can be procured. Mercantile gentlemen have spoken, and differed on this subject; but, from the most correct information to be obtained here, I am of opinion there are few articles now gotten from the dominions of Great Britain, which are necessary for our consumption, that may not be obtained from other markets. Hence, sir, it does appear to me, that such a measure as that above proposed, would not, in any great degree, affect your commerce or your revenue.

I will now submit a few remarks with regard to the effects of such a measure on the agricultural interests of this country. It will here be ob-

served, that no proposition has been made that goes to restrict our exports. They will, of course, continue to seek the best markets, and our produce will find its way to Great Britain, as usual. I admit, however, that commerce and agriculture are so intimately connected, that you cannot give a dangerous blow to the one without its being seriously felt by the other. But, when this is admitted to be the case, it furnishes the strongest ground for extending protection to commerce, lest the agricultural interest should suffer, in consequence of the wound given your commerce. I am also willing to admit it probable, if we prohibit the introduction of British manufactures into this country, it may, in some degree, reduce the price of our produce that goes to Great Britain, but not to such an extent as to be seriously felt. It is also true, that Great Britain now receives the greatest part of the staple articles, cotton and tobacco, exported from the Southern and Western States. But, should the proposed measure be adopted, she will stand in as much need of cotton as she now does. Her manufactures cannot be carried on without the raw materials, and she cannot procure a sufficiency of this article from any other quarter. This interdiction cannot, therefore, affect the price of cotton, or if it should, it must be in a very small degree indeed. I am not, however, for interdicting the importation from Great Britain of cotton manufactures, because I believe it would be difficult to obtain them at other markets. This will remove the greatest objection that has been stated on this subject by the gentleman from Georgia, as Great Britain will still continue to have the same demand for this article. With regard to tobacco, its price cannot be materially affected by this measure; it may, perhaps, in a small degree, as their merchants will not be able to exchange their manufactures for it, but this cannot be such as to be sensibly felt. I cannot, therefore, consider the objections made to adopting such a measure, on the ground of its injurious effects on the agricultural interest, as well founded. I conceive, in the present state of our affairs, the only way in which we can secure and promote the interest of agriculture, is to protect our commerce. But, we are asked if, by this measure, we can expect to produce any considerable effect upon a powerful nation, without its producing some re-action on ourselves? I answer, we must expect, in some degree, to be affected by it, and I believe the American people are prepared to suffer some inconveniences to obtain redress. They do not expect, when measures are taken to vindicate their rights, to be permitted to repose at perfect ease. No nation can be in such a situation as to enable her to act effectively on another Power, so as to bring her to terms, without feeling, in some degree, herself, the re-action of the measures she may adopt. Such a state of things is not to be expected. If this were the case, there would be no necessity to appeal to the public voice or the national feeling on such occasions. You might adopt any measure you deemed proper to obtain your object, without consulting the sense of the nation, if the public at large were to be in no manner affected thereby. But, the people of America sensibly feel the indignity offered to their country, and are as ready to make sacrifices, to obtain redress, as the merchants. When I have said this much, and am willing to go this far, yet I am not disposed to support the mercantile interest to any extravagant extent to which our trade may be carried. I am not disposed to protect our merchants in covering enemy's property. As we have agreed to relinquish the principle, that "a neutral flag shall make neutral property," I am not now disposed to resume it, and insist on its being observed, though I believe we never ought to have abandoned it, so long as we continued a commercial nation. If, therefore, any of our merchants are engaged in such trade—in covering enemy's property—let Great Britain seize and condemn their vessels. This she may do—but let not the innocent suffer with the guilty. I beg leave, Mr. Chairman, to make a few remarks on this subject as it respects other nations. We are told, you must not engage in the colonial trade to France or her allies, because you thereby assist the enemies of Great Britain. If this principle be allowed, let me ask, what will France say? She will tell you, you shall not trade in the products of Great Britain, because you will thereby give aid and assistance to her—the enemy of France. And would not this have more than the appearance of justice in it? Would it not be a fair position? Has not France the same right with Great Britain to say, you shall not furnish supplies to her enemies? And thus you would be stripped of the whole of the colonial trade. But, you are asked, if, when you adopt this resolution, you are prepared to contend with the navy of Great Britain? I was, sir, sorry to hear this remark introduced on this occasion. To hear it said, when you are about making a regulation merely commercial—to direct the affairs of your own country—if you adopt such measures, Great Britain will make war upon you—will, at a single stroke, sweep all your vessels from the ocean! To hear the power of that nation magnified, and her warlike achievements painted in the highest colors, as if to awe and intimidate your own country! Is it, indeed, sir, come to this, that we shall not be permitted to wear a coat, the cloth of which is not made in Great Britain? Shall we not determine for ourselves, without consulting any other nation, with regard to the clothes we shall wear, or the food or liquors we shall consume? If the crisis has arrived, at which we are afraid to decide on those points without having a special regard to the good pleasure of Great Britain, I say, in the name of God, let us resign our independence, return again to the degraded state of Colonies, and only inquire under whose wings we shall place ourselves for protection. But, suppose the power of that nation is so great and formidable (as it has been repeatedly represented by gentlemen) that you are not to take a step without consulting her interest, lest you should offend her. When, let me ask, will this power be diminished? When will the obstacle be removed? She has now nearly eight hundred ships of war on the ocean—in what

degree must they be diminished before you will dare to take the first step in vindication of your violated rights? Or, suppose her navy should be increased, in a few years, to a thousand or fifteen hundred ships of war, shall we shrink from defending our rights in proportion to this increase of her navy? I am not, sir, willing to sanction such a doctrine. However powerful she may be, *right* is still the same, and ought to be maintained inviolate. You have been told, triumphantly, that Great Britain is fighting the battles of the world. On this point, we are not to legislate. We are a neutral nation, and as such, ought not to affect a partiality for either France or Great Britain. I will not, on this occasion, change my vote on the ground that Great Britain is fighting the battles of the world, or that Bonaparte is conquering it. The moment it shall become necessary for us to take part in the war, then, and not till then, I shall be willing to declare on which side we ought to enlist this nation. But, while at peace, it is neither the right nor the duty of a neutral Power to determine which of those nations engaged in war has justice on her side. I conceive we are bound to do equal justice to the one as the other, and not wilfully to aid either, to the prejudice of the other.

It has also been stated on this floor, that your territory has been violated, and your frontiers invaded by Spain; and that you ought to avenge these wrongs, before you take measures to protect your commerce. It is true, sir, some unjustifiable acts have been done, on our Southern and Western frontiers by Spanish subjects, and perhaps by Spanish agents. But it does not appear the acts were authorized or sanctioned by their Government. So far as has come to our knowledge, from the documents on our tables, and from the best information that has been obtained, (and the House are possessed of the same information,) there have been no aggressions or violations of territorial right, committed within the portion of the territory of the United States of which we have taken actual possession, or on our citizens within the same, under the acknowledged authority of the Spanish Government; on the contrary, her officers have explicitly disavowed the aggressions complained of. If the subjects of Spain, and American citizens, have crossed the line of demarkation, alternately, and committed outrages on the territories of each Power without authority from their respective Governments, (which it is believed was the case,) it is a proper subject for judicial investigation, or for amicable adjustment, by the agents of the two Governments, but not a just cause of war, so long as those acts are disavowed by the respective Governments. There is, therefore, no ground for the assertion, that we have tamely submitted to the aggressions and inroads of Spain upon our territory. With regard to the depredations stated to have been committed on our commerce by the cruisers of France and Spain, they are of a nature altogether different from those committed by Great Britain. The former Governments have not sanctioned the conduct of their cruisers in those late cases complained of. They have not authorized them by formal instructions to prey upon our commerce, and seize our vessels engaged in a lawful trade; nor have they introduced into the law of nations a new principle, suited to the present circumstances, to justify aggressions. Since the unauthorized captures, made by the cruisers of those two Governments, which have for a considerable time been in a train of amicable settlement, there is not a case that has come to our knowledge, in which the admiralty courts of France and Spain, in deciding on captures made of American property, have assumed and acted upon a principle contrary to the law of nations, to justify the condemnation of such property, and in which the same was afterwards sanctioned by either of those Governments. On the contrary, it is well known, and so declared by her Minister here, that Spain has issued orders to her cruisers to respect the American flag. What foundation, therefore, is there for the declaration of gentlemen, that you have cringed and shrunk from the contest with France and Spain, and now wish to bully Great Britain? There is none, sir. We have not tamely submitted to injury and insult from those quarters, nor have we deserted the rights of our country. And when the whole proceedings, which have taken place during the present session shall be made public, (which I hope may soon take place) the American people will justify and applaud our conduct, and they will also judge who were disposed to resign their rights, and to submit to national insult and injury.

It has, Mr. Chairman, been observed by a gentleman from New York, (Mr. Masters,) that national animosity produced the resolution before you. I regret that such an idea should be expressed on this floor. I know of no such animosity, but I believe, on the contrary, if a national partiality exists in this country, it is in favor of Great Britain; not that I believe such partiality criminal; but Great Britain being the parent country, speaking the same language with ourselves, and so many of her subjects becoming citizens of this country, there is naturally felt a degree of attachment towards the people of that nation. If these feelings do not go too far, they are laudable; but in regard to a national animosity to Great Britain, I do not believe it exists in this country, at least to any considerable extent. If gentlemen mean that this animosity exists against tyranny, I hope it will eternally exist, so long as its cause exists.

But, Mr. Chairman, I hope we shall not cherish animosity against France, any more than against Great Britain. Nor do I wish us to cherish partiality for either. There was, I believe, sir, a time when the people of this country felt a generous impulse in favor of the French nation. The flame of liberty that issued from the bosom of America, during the Revolution, had kindled up anew in France, and promised for awhile to illuminate the whole world. The American people rejoiced at the prospect, and felt a generous sentiment of enthusiasm towards those who appeared to be advocating the cause of liberty and the freedom of man. But I am not prepared to say, that their flame has continued to burn, or that the expectations it cre-

ated have been realized; but I may, I presume, say, there is no ground to believe that this nation entertains a criminal animosity against or partiality for either Great Britain or France. The same gentleman has observed, what I admit is too true, that Great Britain governs the commerce of the world. This, however, is the strongest reason that could be advanced, against a tame submission to every act of aggression which that Government may choose to commit on your commerce, unless, indeed, you are willing to acknowledge a national pusillanimity, and an inability to resist injury. If we are unable to oppose Great Britain on the ocean, and she will persist in her unjust violation of our rights, let us withdraw from all connexions with her—confine ourselves within the limits of our territory, and live independent of her luxuries and her commerce, on the productions and manufactures of our own country.

I have one or two remarks to make on an observation of a gentleman from Georgia. The gentleman says, that we are happy beyond all example. I admit the truth of this remark; but is it the way to continue so, to submit to every insult, and cringe to every injury? To shrink from resistance, and estimate the value of our rights by the strength of the British navy; but in an inverse ratio? If we look back to the rise of our liberty, we shall find it sprung from a manly resistance against tyranny. It is our duty, in my opinion, to make the like resistence now; to imitate the conduct of our forefathers, from whose exertions we derived our independence. But then it is repeated, by the same gentleman, that this measure will be considered by Great Britain as a cause of war. This idea seems to be so deeply fixed in the minds of gentlemen, that they seem to see that nation take flame, and make war the moment you touch her sacred interest, her manufactures. I am still, however, unable to discover upon what ground this measure can be considered a cause of war. It is simply a commercial regulation—and you might as well be told, she would consider a law regulating your ordinary internal concerns, a cause of war. It may here be proper to notice one circumstance of some singularity attending the present discussion. Some gentlemen, opposed to this resolution, have expressed their willingness to do something—to adopt a measure less energetic than this is. Yet all their arguments are bottomed on the same principle, and are equally hostile to any effective measure that can be devised, as they are to that before you. If Great Britain has a right to consider a total prohibition of her merchandise into this country, a cause of war, she has the same right to consider a partial prohibition so. The principle is the same; the only difference is in degree, or in regard to the quantum of merchandise to be affected by the measure. Though, therefore, my vote may agree with the votes of those gentlemen on this resolution, it will be given for very different reasons from those they have assigned. I shall vote against it, because, (though I am clearly of opinion,) we have a right to adopt it without giving just cause of war, yet I consider it more advisable, at this time, to adopt a measure that will prove less injurious to our own interest, and may be equally effective in coercing Great Britain to do us justice.

The gentleman from South Carolina (Mr. WILLIAMS,) appeared really to think, that war had already been declared—that Great Britain had landed her troops on our shores, and that our people were flying to arms or escaping to the mountains.

Mr. D. R. WILLIAMS.—Wherein and how did I say so?

Mr. G. W. CAMPBELL.—The gentleman contended, that this was a war measure; that our seaport towns were defenceless; that the British navy, should it be adopted, would lay them in ashes.

Mr. D. R. WILLIAMS.—The gentleman must be mistaken.

Mr. G. W. CAMPBELL.—I have so taken the gentleman's words in my notes; in taking which I am seldom incorrect; but the gentleman has a right to explain his own expressions. He certainly did appear to consider this a war measure, and said our towns were exposed; that thousands of innocent persons would be ruined by it; that Great Britain was fighting our battles.

Mr. D. R. WILLIAMS.—The gentleman has certainly mistaken me, it must be some other gentlemen who said so.

Mr. G. W. CAMPBELL.—I am glad that the gentlemen disavows such sentiments. I wish every gentleman in the House would do the same. We are, however, further told, that this war, (which it seems is certainly to take place,) is to be supported by the agricultural interests, and that the merchants in the large seaport towns will reap all the benefit. I assure you, Mr. Chairman, I am not one of those who are for securing the seaport towns, at the expense of agriculture. But, as I have already stated my ideas, on this point, I will not repeat them. I do, however, believe the measure we proposed to take, will, in the first instance, affect the commercial interest, and will only be felt by the agricultural interest in consequence of, and in proportion to the impression it makes on commerce.

Our commerce, sir, is more vulnerable than any other portion of our possessions; it may be considered as encompassing our country, constituting its weak parts, and exposed to the first attacks of an enemy. Every impulse that is given, will be first felt by commerce, and through its medium by every other occupation in society.

But it is said, that this nation, on a former occasion, experienced the robberies of Great Britain, without resorting to such a measure as this. That case when examined, will not justify the declaration. On that occasion, the Representatives of the nation took a stronger ground than that before you. A bill passed this House interdicting all intercourse with Great Britain, and was rejected in the other House, by a single vote, that of the Vice President. But, notwithstanding this, a still stronger ground was taken. An embargo was laid, which was only removed on the commencement of negotiation. Can these proceedings be considered as grounds for our submitting at this time to the injustice of Great Britain? Surely

they cannot—and I hope this House will never sanction such an idea. A remark made by a gentleman from Virginia, (Mr. CLARK,) on the subject of the impressment of our seamen, merits some notice. That gentleman stated, as an excuse, (as I understood it,) for the conduct of Great Britain in this respect, the doctrine she insists on, "that a person once a subject, is always a subject of her Government, and never can can shake off his allegiance." This is a dangerous doctrine to be acknowledged on this floor; and its consequences might involve the best interests of your country, and the lives of a vast number of your citizens. Suppose it once established, and a war should take place between this country and Great Britain; she would consider such of your citizens as had been born in her dominions, as rebels against their country; and when they fall into her hands, would put to death, or otherwise punish them as such, instead of treating them as prisoners of war. Are gentlemen prepared to admit a doctrine that would produce such dangerous consequences? I trust not. It is true Great Britain has contended for this right; but it never has been sanctioned by this Government, and she has been obliged to relinquish it in part, by the decision of her courts of justice, so far as related to persons in this country, at the conclusion of peace with that nation. In reason, it can have no foundation, except during the time such subject may remain without becoming a citizen of another Government, according to the laws thereof. It never ought, or can be admitted as applying to persons in this country, after they have become citizens of the United States, according to our laws. We are then bound to protect them as such.

To conclude my remarks on this subject, I will briefly repeat, that I am decidedly of opinion, the conduct of Great Britain is such, in impressing our seamen, and capturing merchant vessels, on the ground of their being engaged in a trade with her enemies, not open to them in time of peace, is manifestly unjust and unauthorized by the laws of nations. I conceive we have an undoubted right, without giving just cause of war, to regulate our own commerce, and to say from what nations we will, or will not, import articles of consumption; and what description, and under what circumstances. I also believe it our duty at this time to adopt some decisive measure on the subject, that will evince to Great Britain our determination to resist aggression and to maintain our rights. I would, sir, prefer a measure, in which we could, and would persevere, unless it should be found our interest to change it. A measure that would be least likely to paralyze our revenue or affect the agricultural interest. With this view, I would prefer, in the first instance, imposing additional, or discriminating duties on certain specified articles, imported from Great Britain; such as would give the preference to other European markets. Or, if more agreeable to the majority of this House, I would concur in interdicting the importation of such articles. And if this should not prove effectual, I would take still stonger ground. I would prohibit the importation of all merchandise, the growth or manufacture of the British dominions. And should it become necessary, I would cut off all intercourse with that nation; which would effectually starve her West India islands, and compel her to come to just terms, or abandon her colonies to distress and ruin. These measures I am willing to take, and support in succession, as the occasion may require; and in doing so I shall act under the conscientious and perfect conviction that they are for the good of the nation; that they are necessary to vindicate the injured rights and insulted honor of my country; and that country will, I am confident, in this, justify my conduct.

Mr. JACKSON.—My conviction of the importance of this subject will plead my apology for the trespass I shall make on the time of the Committee. I purpose to take a rapid review of the points in discussion between this country and Great Britain, and to touch lightly upon the arguments of gentlemen, who have contended that it is better to surrender them than to assume an attitude of resistance, or to adopt measures perfectly pacific for the purpose of producing a relaxation of the arbitrary systematic attacks upon our neutral rights; for, with one or two exceptions, the objections adduced go to sanction the opinion that the commerce in question ought to be abandoned; and that this Government ought not to do anything to protect it. The measure presented to the consideration of this Committee is calculated to produce a redress of the grievances complained of, with so much justice. First. The capture of our vessels sailing on the high seas, in strict observance and obedience to the law of nations; and, secondly, the impressment of our seamen, bona fide citizens, protected by the flag of the nation. While we are discussing the proposition of resorting to a remedy to redress these evils, we are met by gentlemen who deny that it is right to do anything. First. Because the Executive has not recommended any particular measure; and, secondly, because the trade under consideration is fraudulent, and the citizens impressed are the subjects of Great Britain.

With regard to the first allegation, that the Executive has not recommended any specifie measure, was it not objected under a former Administration that the Executive interfered improperly in legislative measures? Congress possess the Constitutional power of declaring war, and should the Executive recommend a declaration of war to us, I presume we should hear much of the Executive attempting an undue and indecent influence over our legislative powers; for, judging by the past, I have no doubt that whenever such a recommendation shall be made by the Executive, it will be opposed by the same persons who now call for his recommendation, and express dissatisfaction at his withholding it.

But it is asserted this trade is fraudulent, and it is dishonorable to protect it. So much has been said and written on this subject, that it is altogether useless to combat the arguments urged on

this floor; for it is not because a celebrated pamphlet, without an author, has been written on the subject on this side of the water, vindicating the fairness and legality of the trade, or as gentlemen will have it, surrendering the question at the threshold, or because another equally celebrated has been written on the other, declaring it "War in Disguise," that we will consent to be concluded on the question, as they are all free game, and ought to pass for nothing unless their arguments carry conviction to the mind. The question resolves itself into the consideration whether this trade is fraudulent or not. Can we exchange our productions with the colonies of the belligerent nations—bring here theirs, and carry any surplus beyond our wants to other nations? I conceive that we can; common sense sanctions the opinion. Gentlemen, however, say we cannot. That the property is not changed, but still belongs to the original owner of it, and that our neutral flag fraudently covers the enemy's property. But gentlemen deal in a mere coinage of the fancy when they say so. I demand their proofs; they will not accept our opinions; and I with equal propriety reject theirs. How will they show that this is not our property? It is said that a want of capital is a proof of it; but, on investigation, it will be found, that the American capital is fully adequate to the carrying on this trade. Do not we find our merchants engaged in the trade to the East Indies, which requires a capital of three and four hundred thousand dollars, and if the trade to the West India islands be equally profitable, is it not to be presumed that they will likewise engage in it? If this property does not pass by the transfer, as we contend it does, it may be maintained that a horse sold in the open market will be subject to an execution subsequently issued against its previous owner; nay, even that the executor of such owner may sue for and recover it. But this argument shakes every principle involved in commerce to its foundation; its origin is traffic, which induces one man to exchange the surplus beyond what is necessary to him, for that which is necessary, and was the surplus of another; and if the property is not changed by this traffic, nothing is safe, everything is afloat, and no man knows to whom any property belongs which may happen to be in his possession. Such a doctrine must destroy all commeree at a single blow. But, say gentlemen, Great Britain indulges us in pursuing the honest carrying trade. I disclaim the position. How can she be said to indulge us with a right sanctioned by the law of nations; a right inherent in every independent nation? I contend that the trade to which I have just alluded, is as just and honest as any other trade of this country afloat on the ocean.

Great Britain not only imposes on our trade the restriction which interdicts our carrying the products of the colonies of her enemies to the mother country, after incorporating them with our own stock, but she disallows all trade with her enemies in time of war not permitted in time of peace. The gentleman from Virginia argues this is correct. He says Great Britain has a preponderance on the ocean, and inquires whether we have a right to check it by supplying her enemy with anything necessary to relieve his wants. This is going farther than "War in Disguise;" than the time-serving Sir William Scott, who sometimes recollects that he is called on to expound the law of nations as a judge, and at others only to register the orders of the King and Council; or any other man in England. Does not this strike at the root of the whole trade of our country? There is no nation at war that is not more or less supported by our products; they derive from us the means of subsistence, and the carriage of them, it seems, is to be prohibited, because Great Britain has a preponderance on the ocean, and can starve out her enemies if we are not permitted to carry to them. Great Britain says you shall not carry on a trade in time of war not permitted in time of peace. She seizes our vessels; inverts the natural principle of evidence; throws the *onus probandi* of showing that this trade then prosecuted was carried on in time of peace, on the owner of the property, and thus our whole trade afloat is exposed to hazard and vexatious interruptions. But, in defiance of this rule set up by herself, Great Britain opens in war her own islands, whose trade is shut up in time of peace. Test then her principle by her practice. It will not be contended that she connives at a fraudulent trade, or justifies it as lawful with herself, when she declares the same trade relatively to her enemies illicit and subject to condemnation. If then she is not governed by narrow and unjust views, she cannot contend that that is right when it respects herself, which is wrong in relation to another. She has yielded that question by opening her ports in war which were shut in peace, and has made, even if there existed a previous doubt, this trade lawful. But, not confined to going this length, she carries on that trade herself which she denies to us; thus adding another to the numerous outrages committed upon us. If we acquiesce in this doctrine, advocated by Great Britain, sanctioned by her admiralty courts, and enforced by her cruisers, I ask if we shall not violate that honest neutrality which compels us to treat all nations alike? The great principle of a neutral nation, as defined by the law of nations, is, to treat the belligerents with equal impartiality, and not to favor one at the expense of another. By acquiescing in the doctrine that renders this part of our trade liable to capture, we make ourselves a party on the side of one of the nations engaged in war.

This colonial trade is not only lawful, but it is beneficial to the merchant and also the farmer. Gentlemen have attempted to draw a distinction between the mercantile and the farming interests. I shall by and by expose the fallacy of their reasoning; but at this time, I will confine my remarks to proving that this trade is not only beneficial to the merchant but likewise to the farmer. The colonies from which this trade is derived, are fed exclusively from this country—to them we carry our provisions and receive in return their productions. It is not our interest to receive money, if they had it, because we should lose the profit on

the return cargo. If we were not at liberty to purchase beyond the consumption of our country, the extent of our exports would be diminished in the same ratio, for not having money to pay for our provisions they could not purchase them. The consequence would be that the trade would fall into retail hands, and the loss would reverberate on the former, the demand for his productions would be diminished, and they would rot in our warehouses. This shows that the farmer is as deeply interested in the trade as the merchant.

But while we are attempting to obtain justice for this outrage, which some gentlemen admit to be such and others deny, we are told that we are paving the way to war. Will a measure of this kind lead to war? If so, we hold our rights by a feeble tenure. Shall we not be permitted to receive our supplies from other nations as we please? Shall we not be permitted to say to a nation doing injustice to us, we will have no intercourse with you; without giving that nation a just cause of war? Strange principle! If a nation is not allowed to take such measures of redress, without involving herself in war, I cannot conceive in what the rights of a nation consist. I acknowledge myself always to have been a stranger to them. If this measure will have such an effect, anything we can do will have the same tendency. If to prohibit all articles from Great Britain be a war measure, to prohibit any part of them will also be a war measure; and it is therefore but fair to consider the arguments of gentlemen as equally applicable to doing anything. If the scourge of war is held over our heads by such a slender thread, shall the fear of it prevent us from doing that which we consider as but justice to ourselves? But the gentleman says Great Britain will not be injured by a war with us even to the value of a single dollar. Such language I should have scarcely expected to hear, even as coming from the English Chancellor of the Exchequer, upon the floor of Parliament. I am ready to allow, and I firmly believe, that if Great Britain thinks it her interest to go to war with us she will do so, she will first strike the blow, as she did in the case of the Spanish prizes, and declare war afterwards. So the argument goes for nothing. But we are her best customers. We supply her with raw materials which she cannot obtain from other countries. I consider this as giving us a decided advantage over her, of which, if properly used, we may always avail ourselves without giving her a just cause for war. Her writers say a non-intercourse with this country would prove a loss to her of six millions sterling a year. Surely they know what would be the effect of such a measure better than we; and with this assertion staring them in the face, it will not again be said that a war with us would not cost her a dollar. But it is said Great Britain is fighting for her own existence, against an enemy that is most powerful; that she is the only bulwark between France and universal despotism; and thus an attempt is made to enlist our sympathies in her favor. But let her do us justice before she claims our sympathy. Shall we wait until she has subdued the whole continental marine and have triumphed on land, before we demand justice? Shall we fold up our arms, and say we perceive you are convulsed—you are menaced with an invasion; we will patiently wait till you get rid of all these sources of alarm before we press you? Can it be imagined that she is contending for a right in war, pressed, convulsed, and threatened as she is, which she will abandon on a return of peace? This is to suppose that the millenium is approaching, of which Great Britain is to be the harbinger. Practise this system, and in a little time you will have nothing left worth fighting for. Let a nation strike at an important branch of your trade, and trample on rights held dear by every citizen of America, and let her know that you will wait till every alarm which she feels is removed, and then ask for justice; that you deem it dishonorable to make a stand until she has her hands cleared of all other difficulties—let this system or no system be resorted to, and you will not, I repeat it, have a right left that is worth contending for. But, say gentlemen, if we resort to this measure, Great Britain will go to war, and instead of having 1,500 seamen, she will have 15,000 of our citizens groaning in her prison ships. This is truly a degrading picture, which goes to show that we shall not be permitted to resist an encroachment on our rights, because the injury will be increased tenfold. Let Great Britain once know that this is your mode of thinking, and instead of holding in bondage 1,500, she will indeed rob you of 15,000 of your seamen; and instead of capturing 15 millions of property, she will take 150, and you will be as bankrupt in fortune as in character. But, say gentlemen, this right is not worth contending for, and ask triumphantly, shall we lose six millions for the protection of one? But if on this score we hesitate resisting aggressions, we shall soon have no millions to lose. Are we then, indeed, to sit down tamely and count the costs; debit so much for honorable resistance—credit so much for national degradation—balance in favor of pusillanimous acquiescence? Are gentlemen ripe for such humiliation? I consider spirit as essential an ingredient in government as in man. Let a nation, or an individual whose rights are invaded, or whose person is insulted, once say he will not resent the injury because it will cost more than patiently enduring it, he will soon not have a right left worth defending. But say gentlemen, will you go to war for this carrying trade? If the question of war were fairly involved in it, I answer yes—I would as soon go to war to protect it, as to protect the right of highway on terra firma. But, it is asked, will you, in infancy, contend with Britain, who is in her manhood? Sir, if our infancy is not fostered, we shall never arrive at manhood? Better for us to die contending for our rights than submit to such a principle, But I have another answer. We have shown ourselves able to contend with this very nation, when we had as many internal as external foes; and if we succeeded against her then, shall we fear to contend with her now? It is, however, said that by this measure we shall lose a revenue of six millions. It is not, however, probable, that we shall incur such a loss. The arti-

cles we receive from Britain are not of the first necessity. They can be got elsewhere, and our refusing to trade with her will open new markets in other countries. It is contended that our exports will be cut off. This, however is evidently erroneous.

We furnish Britain with raw materials which she cannot obtain elsewhere, which, if she could avoid it, she would not obtain from us. She looks to your commercial greatness with a jealous eye, and would not permit a single article to be exported from this country into her dominions, if it could be obtained elsewhere. Where are the cotton and provisions with which she can be supplied? Were she to refuse these productions from this country, she might be likened to an individual who in consequence of a famine in the land could not procure bread except from a single farmer, and because he was his enemy, would, rather than do this, sit down and die. Millions of her subjects depend for bread and support on you. Cut off the exportation of raw materials to that country, or the importation of her manufactures into this, and the effect will be almost as serious as the invasion of Ireland by a French army. Her whole people will be up in tumult against the Government—for what political body can legislate, or what police can guard effectually against starvation; against impending ruin? But the trade with Britain, it seems, ought to be fostered by us. Why? Is it because it presents a great balance against us? For, let gentlemen say what they will, they must allow the balance is in her favor. But, they ask how is this balance made up? From the balances in our favor drawn from the trade with other countries; it is therefore ruinous, for it is a maxim well established and known by Great Britain, that a nation never can accumulate wealth from a trade when the balance of such trade is against her; and that a trade under such circumstances ought almost to be interdicted. But gentlemen say, Great Britain knows the genius of the American people; and if they go to war, we will make peace with her on her own terms. I will admit the genius of the American people is pacific.

[It being now the usual hour of adjournment, Mr. JACKSON waived the remainder of his remarks until the next day.]

WEDNESDAY, March 12.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," with several amendments; to which they desire the concurrence of this House.

Ordered, That the Committee on the Public Lands, to whom was referred, on the twenty-fourth of January last, the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, be discharged from the consideration thereof, and that the said memorial be referred to the Committee of Ways and Means.

IMPORTATIONS FROM GREAT BRITAIN.

The House again resolved itself into Committee of the Whole on the state of the Union—Mr. GREGG'S resolution still under consideration.

Mr. JACKSON continued his remarks, as follows: Mr. Chairman, when the Committee rose last night, I was replying to an argument drawn from the pacific disposition of this nation, which was used to prove that Great Britain well knew that we would sacrifice anything for peace, and if she declared war, and committed depredations on us, she might profit of these advantages by making peace on her own terms. I admitted, in its fullest latitude, the aversion of the American people to go to war for light and transient causes. They will sedulously foster peace; they will bear and forbear much; viewing war as the scourge of the human race, every honorable exertion will be made by them to avert it; but there is a point of degradation and insult beyond endurance, which no nation can advance to without feeling the vengeance of United America. We have tested this truth by experience. Look to the Revolution, sir, when the noble spirit of the times braved the terrors of treason, misery, and death, rather than tamely submit to the accumulated wrongs that were heaped upon us. I have too much respect for my country to believe that any attempt to rob us of a single right which we then secured, by one of the noblest struggles recorded in the annals of the world, would be tamely surrendered. But it is said the spirit of the nation has been roused by the impositions of the newspapers, influenced by the rapacity of the merchants. No, sir; it is by seeing its rights and the rights of its citizens trampled on—prostrated by a lawless banditti on the ocean, respecting no law but their own interest—acknowledging no rights between them and the tyranny of the seas. Is the capture of our seamen, and vessels, and cargoes on the ocean, an imposition? No, sir; it is a fatal reality, witnessed by the miseries and bankruptcies of thousands; and when an honest burst of indignation is re-echoed from the remotest corners of the Union, we are gravely told that we must make a distinction between commerce and agriculture, which it is alleged exists in fact, and cannot be lost sight of. Let us examine this doctrine. The merchant purchases the produce of the farmer, his beef, and pork, and every surplus which he has, and traverses every sea in search of a market for it; the price abroad produces competition at home; the profits to the merchant being always nearly the same, and by this competition the farmer receive a premium proportionate to the demand abroad; but take away this rivalship at home by abandoning your merchants to the depredations of every freebooter—for, if you once pronounce that they are to be abandoned, every sea and shore will be infested by them—and you compel him to quit the ocean, to employ his capital on land, and our farmers will be obliged to take whatever price foreigners coming into our ports may choose to give, and to purchase the productions of other countries from them at whatever price they may choose to ask. The

interests of agriculture and commerce are, therefore, intimately connected: but another expedient is resorted to. It is said a distinction is to be kept up between the Northern and Southern interests, and this measure will operate on the South alone. Sir, we ought to know nothing of local interests or geographical divisions when the rights of an American citizen are invaded; we ought only to know it and feel it as Americans. Did the North use other language when the navigation of the Mississippi was destroyed by withholding the right of deposit at New Orleans? No, sir, with honorable feelings, their only solicitude was how they should most effectually restore and preserve it. Let us then act with sentiments of the same noble liberality when the pressure of wrongs is most immediately felt by them, but which must and will operate upon us also, for no measure can affect the rights of this nation that will not sensibly injure every part of the Union. If our commerce is disturbed, if our rights on the sea are cut off one by one, and such is the tendency of the present measures of Britain, what will become of our cotton and tobacco? Will they not rot on our hands, or be sold at the price of those who may be pleased to come and purchase them? If commerce languish, agriculture will languish likewise, for one is the handmaid of the other. But, say gentlemen, the value of the trade interrupted by the piratical conduct of Britain, is not worth contending for, is not worth the risk of the present measure, or the hazard of war. I hope, however, we shall not estimate national wrongs by pounds, shillings, and pence. I hope that, when our rights are invaded, we will all be united, not in calculating the cost, but in adopting measures to insure redress. But gentlemen say these aggressions will only last during the war. Sir, the war in Europe, for the last fifteen years, has been almost unintermitted. Were you to hold this language to an individual, and say to him, you are denied free ingress or egress to or from your own mansion, and console you by adding, you can bear with your wrongs, they will last only during your lifetime; he would spurn you from him with indignation. Look at the state of the European world, at its situation for twenty years past, and say what chance have you of peace? I hope our rights will not be thus permitted to be trampled on with impunity, under such a pretext. I hope to see some systematic measures adopted to meet Great Britain, who appears to have formed a deliberate plan to inflict all the injury in her power on this people, whom she looks upon as her most dangerous rival. This step, which she has taken, is a link in the great chain of vassalage, a colossal stride towards effecting that plan which has for its object the dominion of the seas. If we yield one right, as well established as the right to breathe the vital air, it is weak in us to imagine Great Britain will stop here. This would be as contrary to her genius as the genius of this Government is to war.

But it is said Great Britain will countervail our restrictions; in this respect we stand in a very different situation from her. We are her best customers; she sends to us articles which she cannot sell in other places; and we supply her with necessaries which she cannot procure elsewhere. It is in vain, therefore, to suppose Great Britain can affect us by a countervailing policy. If she could there is no doubt she would. If gentlemen will turn their eyes to her islands, they will see that, when she can supply them with provisions from other quarters, she does not permit us to carry our produce to them. It is only when she cannot obtain them elsewhere that she grants this as a favor. But we are told that we cannot supply ourselves with the articles we derive from her in other markets; and, as evidence of this, it is said that the French armies are now clad in British manufactures, notwithstanding the interdictions of the Government of France. But I call for proof of this assertion. I deny it. I assert, from unquestionable authority, that they are clad from head to foot in French manufactures.

But gentlemen say they will not insure this trade at the expense of the Constitution. I do not understand this language. Has the Constitution interposed a barrier to the insurance of the rights of the nation in any situation whatever? So far from this being the case, I believe, on the contrary, the Constitution would be violated if our rights were not maintained in every part of the globe. I believe the reverse of their picture is true; and that if we do not protect our citizens in the enjoyment of their rights, we violate the Constitution, no matter whether those citizens are merchants or farmers. Were we to decide this question by its immediate influence on the finances, by the profit and loss that would flow from it for the moment, it would, indeed, in my opinion, be making us a miserable set of counting-house politicians. And though we might profit by it for a moment, our situation would soon be worse than it was. We would show ourselves penny-wise and pound-foolish. Gentlemen say they will not protect a trade which is worth but a million (though I believe it may be shown to be almost equal to the whole of our exports) at the expense of six millions. But if we legislate on this ground of calculation, we shall soon have no commerce worth protecting. If we yield our rights because their protection will cost more in dollars and cents than they are worth, we shall soon have no commerce remaining. I consider the aggressions which Britain has made upon our trade alone, a sufficient stimulus to induce us to do something. But when I refer to the three thousand seamen she holds in miserable bondage, I consider the destruction of this trade as but a drop in the ocean compared with them. But, on this subject, horrid as it is, I find some gentlemen are the apologists of Britain! One gentleman observes that, inasmuch as her own subjects are in our employ, she has a right to take from us an equal number. But there is no analogy between the cases. The act of her subjects in entering into our service is voluntary, while our citizens are kept in her service by violence. Some of our own citizens reside in Britain, and yet we never dreamed of complaining, because she has not

banished them from her bosom. No man in his senses can say that Britain is justified in keeping our citizens in slavery, on the ground that we employ her subjects in our service. But, forsooth, her conduct is justified by the honorable SPEAKER, on the ground that the protections of our citizens are fraudulently obtained; that they are sold to the highest bidder. I hope, for the honor of our country, that this allegation will be inquired into.

Mr. MACON here explained, by observing he had said, he had been so informed.

Mr. JACKSON—I say the subject loudly calls for inquiry. If the practice is such as is represented, it ought to be known and punished. What says the law on this subject? That the collector shall receive proof, on oath, that the person applying is a bona fide citizen; of course, the collectors alone can be concerned in this fraud. If they are so concerned, let them be punished. But the gentleman says, protections may be sold. This is not possible. The protection granted to one man cannot suit another, as it specifies the size, the complexion, and other characteristics of the person to whom it is given; and I am sure, sir, a description of your person and your size would not suit mine. Great Britain, it seems, says the same thing with the honorable Speaker. If a man has a protection, she says it is fraudulent and tears it to pieces; and if he has not a protection, she declares that conclusive proof that he is not an American citizen. It is very much to be regretted that the law requiring those protections ever passed; and that we had not asserted the right to protect every man sailing under our flag, except the enemies of a belligerent nation. Three thousand of our citizens now groan under this abject slavery! This number have presented their claims to your Government. Besides which, many more are carried from sea to sea, and from one country to another, without being ever able to make their cases known to you. In vain do they endeavor to forward their complaints—an inexorable tyranny denies them the indulgence. It is fair then to infer that the whole number is twice that I have stated, and it really appears to me as if our sensibility were lost in the magnitude of the injury. If there were but a single case of this species of oppression presented to us, it would be more affecting and effective. Draw the picture of a single victim, the only son of aged parents, their staff, the prop of their age, their pride and only support; he toils and labors to obtain a venture, with the pleasing prospect of quadrupling his little capital—they follow him, when ready to leave them, with tears and blessings to the water side, where he embarks; and in a few hours the lessening sail is lost to their view on the bosom of the wide expanded ocean. They return to their cottage, and implore a beneficent God to protect their darling; they count the days of his absence, and when, according to the usual course of events, the period of his return is drawing to a close, each hour awakens new fears and new solicitude. By and by the vessel anchors in its port—they fly to embrace him—but, alas! he is not there—he was, off the harbor's mouth, robbed of his all, impressed by the British, and carried into worse than Algerine slavery—for with those he would only be compelled to work for his master, whilst these make him work, and fight, under a lash more cruel than the barbarian bastinado, and a despotism more unrelenting than the slave driver's exercise. Their golden dreams are vanished with the recital. The soul shrinks back upon itself; they cast a long and wishful look upon the ocean, and with tottering steps reach their once peaceful happy home—but no peace, nor happiness, welcome their return. Hope lingers for a while, and cheers their drooping spirits—it directs their appeal to the Government, which the old man fought and bled in the field to establish, upon the basis of universal justice, and whose principles he impressed on the mind of his child. Year after year it is deaf to their cries; it sits down and calculates the cost of asserting its rights, with the nicety of a leger-keeper, and decides in favor of a pusillanimous acquiescence, because the balance of dollars and cents is struck in its favor. Poverty approaches with rapid strides—their last dollar is laid out to procure the means of subsistence; too proud to beg, and too infirm to labor, they know not how to avert their fate; the little plans they have formed without the means of execution, fly like meteors before them—nature is making a mighty struggle with adversity, when it is announced that their boy fell beneath the thousand lashes which were inflicted on him for attempting his escape; and Death, kindly interposing his friendly arm, grants a respite from their miseries! Does not such a case demand our attention? It is not at all comparable to that of many others. Add to the scene which I have feebly portrayed, the distraction of a tender wife, manacled and confined in the cold damp cells of a lunatic hospital—her children bound out by the parish, and all their prospects of life nipped in the bud, occasioned by the impressment of the husband and the father—and then tell me do we violate the principles of the Constitution, which declares that it is made to provide for the common defence and general welfare, by vindicating those measures which are well calculated to procure redress? This were indeed to play such fantastic tricks before high heaven, as make even angels weep! Shall we, in the Tripoline war, to rescue from bondage three hundred Americans, perform, through the agency of some of our citizens, acts of perseverance, address, and heroism, unsurpassed in the annals of ancient or modern times, at the sacrifice of the lives of many brave men, who, with some of those that survived the conflict, will be enrolled by a grateful country upon the list of the favorite sons of the American nation—when as many thousands are groaning under the cruel oppression of Great Britain, and crying to us for succor, without exciting or producing one manly exertion!

But gentlemen say, let us vindicate our rights first on the land, and then on the ocean. As so much has been urged on this subject, I think it proper to say a few words in reply, and though I had read the documents relating to it, I must say

that gentlemen have so misrepresented the conduct of the Spanish agents, that I am almost induced to believe they alluded to something not in the communications contained in the pamphlet. Take the testimony of the Kempers themselves, who no doubt give it the most unfavorable aspect—what do they say?

"That on the night of the 3d instant, about the hour of twelve, being at the house of Nathan Kemper, within about two miles of Pinckneyville, within the limits of the Mississippi Territory, the house was surrounded, and the doors thereof forced open, by a party consisting of at least nineteen persons, whereof some were negroes, and some white men in disguise. That among the latter he recognised and personally knew the following persons: Louis Ritchie, Miner Butler, Abraham Horton, James Horton, and two others, whose names he did not recollect, but expected soon to be able to ascertain, all of whom are inhabitants of the Mississippi Territory; and Marcus Carr, James Say, Philip Say, and others, residing within the Spanish lines. Of the negroes, whose number amounted to seven at least, three, whose names are William or Bill, Nat, and Moses, and others whose names he did not recollect, he knew to be the property of the above-mentioned Abraham Horton. That the said party, all of whom were well armed, after having forced their way into the house, violently forced him from his bedroom, after a struggle of about fifteen minutes, during which he received several violent blows on the head and face; and, after having torn off his shirt and tied him wtih cords, forced him over the line into the Spanish territory, where they delivered him up, with his two brothers, Nathan and Samuel Kemper, bound in the same manner, to Soloman Alston, who commanded a large party of armed men."

Governor Grandpré, in answer to Governor Williams, says:

"I have received your letter dated the sixth instant, relative to the extraordinary event that happened at Pinckneyville on the 3d instant, viz: the assault on the three brothers, Kempers, by persons unknown, and disguised, it is said, in black, who conducted them on that part of the Territory which it has pleased His Majesty to commit to my charge. The occurrence is singular, and of which I had no information till the night between the seventh and eighth, by one of the commanders of the patrols, who, since the inroads committed by that turbulent banditti, headed by the Kempers, have been stationed near the frontiers, and within the interior settlement of Feliciana; the first gave me information under date of the fifth, that by night he met with a party of men disguised and armed, who were conducting three others, whom they immediately abandoned and retired with precipitation the same way which they appeared to have come, without uttering a single word. His first care was to secure the persons of the three men, whom he found to be the Kempers, and immediately had them conducted to Bayou Tonnica, there to be embarked under an escort, and delivered at my disposal. He added, that on the way the escort was stopped by actual force on the river, very near the eastern shore, by Captain Wilson, military commandant at Point Coupée, where it is said the escort is detained, and also the Kempers. The commander of the patrol also deelares that it was impossible for him to know any one of the persons who brought and abandoned the said Kempers, owing to the obscurity of the night, their disguise, and their very prompt departure.

"This is all the information I have as yet, but have despatched an express to procure a more ample knowledge respecting this strange and mysterious violation.

"It is not necessary, I flatter myself, that I should express what pains our Government has taken, and how unceasingly scrupulous it has been to maintain and constantly to preserve with that of the United States, that good understanding and harmony which it ought to be impossible for a few intriguing, perfidious adventurers, thirsting after revenge for private animosities, to interrupt."

I have taken the facts in the strong light they are placed by one of the insulted parties, by which it appears that these acts were committed in the Mississippi Territory by citizens of that Territory. The Spanish Governor regrets the circumstance; speaks of it as a strange and mysterious violation; says that it is not necessary to express the wish, which he had before intimated, that it would not prevent a good understanding with the United States. Here we find that measure disavowed; and admitting that violence had been offered by a Spanish party, even within our limits, the Governor explicitly disavows it, and promises inquiry and satisfaction. But is this the case with Great Britain? No. Far from it. Her violences are not only committed by her cruisers, but by her admiralty judges, who, in the versatility of their decisions, out-Protine Proteus himself. Are the cases analogous? Shall we go to war for an act which is either unauthorized or disavowed, and tamely sit still while the injuries that are inflicted upon us are avowed and vindicated? Have not our citizens been impressed at the mouths of our harbors? Need I refer to the memorable fact that occurred at New York? I believe your citizens were taken from a revenue cutter, and certainly from an American vessel at the mouth of that harbor. We find Great Britain contending that this is right—glorying in it—and, what is more extraordinary, apologists for it on the floor of Congress.

Gentlemen have said that our property and citizens ought not to be defended beyond the reach of our gun-batteries. If this sentiment is correct, why carry on the war with Tripoli? Have you not by this measure told your merchants that their property will be protected? Have they not sailed under this impression, and was not this war commenced for injuries committed in the Mediterranean seas? If this can be their impression, would you violate the assurances which you gave them?

When they saw you with manly spirit take this ground, and maintain it by acts which have never been surpassed, did not that give them reason to believe that they would be protected, so long as they complied with your laws and with the law of nations? It is too late, when, in confidence of your faith, they have run into danger, and are exposed to be deprived of their all, to say that you have abandoned them. But we are told, if you provoke the power of Great Britain she may again reduce you to the colonial state in which

she once held you, or a state more abject and miserable. How is this more effectually to be done than by destroying our commerce, advancing as we recede, first driving us from the ocean, and then hunting us from our shores to the mountains, and from thence to the South Seas? This cannot be effected in a moment. I have no doubt Great Britain looks back to the times of 1776 with lively indignation. If she lashes us, and we cringe beneath the whip, until our best feelings are blunted, at what point will she stop before she has driven us from our posts indeed, and again reduced us to a state of servile dependence!

But gentlemen say Great Britain is the great source of our revenue, and we ought not to take a step which might destroy it. Sir, it were better to be up to the eyes in debt like Great Britain, than hold our revenue by such a tenure. Once declare that you are unable to pay your debts or support your Government, but for the revenue derived from Great Britain, and let gentlemen say where she will stop. She understands this thing as well as we do, and if she sees that we have determined to get out of debt without resorting to taxes; to make no loans, whatever the emergency may be, and that we can get no resources but through her trade, and I fear that in a little time she will make us bear what I am apprehensive will produce no feeling at all. Some gentlemen are good enough to be willing to allow Great Britain a longer time to prey on us. They wish us to negotiate with her with Christian meekness, when she smites us on one ear to turn the other also. But are we not told by the Executive that negotiation has been tried; that with regard to the impressment of our seamen there was a prospect of a successful issue, which was afterwards however shut out from us? It is in vain to expect any other result from negotiation than we have witnessed, without we do something, unless Great Britain entertains the idea that the nation is not identified with the acts of the Executive, but with those of Congress. This, however, cannot be. For omitting what has lately transpired in this House, and which is not known to her at this time, Great Britain knows that the whole nation is ready to support the Executive. The unanimity which prevailed at the late election has testified it. It is not merely to protect the colonial trade, or to redress the impressment of our seamen, that calls for this measure. Everything that connects us with the European world, through the medium of commerce, is involved in it. Viewing her pretensions as the entering wedge, she will, if you submit, advance with steady steps; trample on and violate every right in rapid succession, until she has established her undisputed right to the whole seas, and enforced obedience to her pretensions "that all beneath them is British ground," and compelled those who sail on them previously to ask her permission. But gentlemen say, there is a prospect of adjustment, and appeal to the papers on your table. I say there is no such prospect, and I call for the facts which gentlemen rely on.

It will be observed that the remarks I have made go to prove that we ought to do something to restrict the manufactures of Great Britain. Having established this point, and that it is not a war measure, the question presents itself, what shall be done? My opinion is, that the resolution before you is best calculated to answer our purpose, but in the opinion of some other gentlemen, it is better to resort to something else that will have the same tendency. I agree with them that it is better to advance than to recede, and to take ground which we can maintain and advance on it than to make one retrograde step, and I am willing therefore to vote at present for some regulation that may be more lenient than the one under consideration; to try such a measure first, and if this does not succeed, to attempt others. I am willing to consent to stop all intercourse with her, if redress cannot be obtained even by these means; and if it shall not be obtained even by these means, to exert such power as it has pleased God and nature to give us. I repeat, once more, it is far better to die contending for our rights, than tamely to sit down and crouch under injustice, until all the finer feelings of the nation are blunted, the people are disgusted, our resources destroyed, and the degeneracy of their sons make the fathers of the Revolution look down with contempt upon us, and say: We fought and emancipated our country, we bequeathed to you the fair inheritance of freedom, you prove yourselves unworthy of it: henceforth we disown you; return and be hewers of wood and drawers of water for our former taskmasters, as the fit instruments of slavery.

Mr. RHEA, of Tennessee, said it was with some difficulty he had prevailed on himself to attempt to make any remarks on the resolution now under consideration, but the duty he owed to his fellow-citizens, to this honorable Committee, and to himself, constrained him not to remain silent.

It is not many years since the United States of America, from being obscure colonies of Great Britain, emerged into sovereignty. The treaty of one thousand seven hundred and eighty-three restored peace, and confirmed the independence of these United States; but they were involved in a large debt, incurred by that war, which terminated in their independence. The United States were then possessed of a large, fertile territory; but agricultural industry was injured by the war, and they were without resources and without commerce.

With the return of peace, agricultural industry was revived and enlarged; an extensive, enterprising commerce began to operate and unfold itself. Persevering, active industry, in the business of agriculture, and in that of commerce, in a period of little more than twenty years of peace, has afforded resources for the payment of a large portion of the public debt; has increased the wealth of individuals and of the nation, and has elevated these United States to be the second commercial nation in the world: and for this, there is reason to apprehend, they have incurred the jealousy of that maritime Power whose un-

provoked war hastened them into independence. If the history of commerce is attended to, it will be discovered that it originated with the nations of the East, (as did almost every other effort and speculation of human genius,) and from thence travelled westerly. In its course, it continued certain periods of time with some favored cities, and with some favored nations, and when it departed from one city and nation, it took up its residence with another more to the west. Tyre, Carthage, and Alexandria, were ancient cities, highly favored by commerce in their respective times; Genoa, Venice, and Amsterdam, in modern times; at this time, London is the most favored commercial city in the world. Commerce, in its progress from East to West, was always attended with a spirit of monopoly. With whatever favored city and nation commerce resided, that city and nation soon after became ambitious to monopolize commerce to itself, and to exclude (except so far as it might judge proper for its own interest) all other nations from participating in equal advantages.

To be, or to be rising to be, a nation of commercial influence, has, from time to time, been cause of contention among the nations bordering on the shores of the ocean. That contention for superiority has, in most instances, been attended with desolating war; and, in many cases, ended with the subversion and ruin of a rival commercial Power, or of one which attempted to monopolize commerce to itself. To this cause, in a certain degree, may be attributed the desolation of Tyre, the demolition of Carthage, and the ruin of Alexandria of ancient times; the fall of Genoa, and the declension of Venice in modern times.

It is many years since Great Britain began to be a nation of commercial importance. Agricultural industry, and manufacturing genius, pursued with steady and unremitting attention, gave wings to her commerce. Her merchant vessels, from her insulated position, as from a centre, passed the ocean in all directions, and articles of her manufacturing appeared for sale in the ports of every maritime nation.

Commercial success and favorable maritime events caused the policy of Great Britain to contemplate the dominion of the ocean, necessary to secure the existence and continuance of a commercial monopoly; for this purpose the construction of a navy was, with unabating vigor, attended to.

Great Britain, governed by her favorite policy of acquiring unlimited commerce, has, for ages past, (except some partial intervals,) been engaged in wars with her maritime European neighbors. Any cause has been laid hold of by her to procure the ruin of a commercial rival. To that policy may be attributed the wars between Great Britain and Holland, between Great Britain and Spain, and between Great Britain and France, which caused the loss of the lives of millions of men, and the expense of millions of money. Actuated by this policy, Great Britain progressed until the commerce of every other European maritime nation had been destroyed, or made subservient to her interest, and she had made herself the unrivalled commercial Power in Europe.

No nation ever acquired and possessed commerce as extensively as Great Britain. That wisdom which systematized the plan, and that undeviating, persevering policy, which, notwithstanding internal commotion and external wars, conducted her to the summit of commercial power, will ever command admiration. The acquisition is the effect of the work of ages. Her commercial aggrandizement has been her favorite object; to this her policy for a long series of years has been directed. In this policy may be discovered the cause of all the wars she has been engaged in for centuries past. To monopolize the commerce of the world was her paramount object; to retain it, the energy of her power will be exerted. In acquiring it, her power was the law; in preserving it, the same law will be observed.

The mind cannot without horror contemplate the ravages, carnage, and destruction, that monopolizing policy has occasioned, either directly or indirectly, in every quarter of the earth.

It is to be apprehended that Great Britain sees a new commercial rival emerging into existence in the West, at a distance of three thousand miles; that that rival is the United States of America: a new nation, composed of citizens for the most part derived from the dominions of Great Britain; a nation, who, as it were, in a day has arisen into existence, and carried its commerce to the most distant regions.

It may with propriety be said, there is reason to believe that the increasing commerce of the United States affords more serious cause of inquietude to Great Britain than that of any other nation ever did. The vast territory of these United States, so fertile, and so productive of all the necessaries of life; the extensive forests of lofty timber with which that territory is covered, and the certainty that it contains and will produce all the materials necessary for ship building; the temperate manners and fixed habits of the citizens, their agricultural industry and commercial enterprise, their population increasing in a ratio unexperienced since the first settlement of nations, afford sufficient cause for restless alarm.

With deep and corroding regret, the policy of Great Britain contemplates these things, and foresees a diminution of her commercial power in the prosperity of that of the United States. She has destroyed the commerce of Holland, of Spain, of France, and that of most of the other maritime Powers of Europe. It only remains to restrict the commerce of the United States, and by that means to seize the commerce of the world.

In conformity to her fixed policy, Great Britain has, contrary to all law, from time to time impressed seamen, citizens of the United States, and in consequence of new maritime rules, not recognised by the laws of nations, and which power has enabled her to impose, her armed ships have captured merchant ships and vessels of the United States, not bound to ports blockaded, nor carrying articles termed contraband of war; and the same merchant ships and vessels are condemned by

her Courts of Admiralty, under pretence that a trade not permitted to neutrals in time of peace ought not to be allowed in time of war.

It is to be apprehended that the new regulations imposed by Great Britain are only an ostensible cause for capturing the merchant ships and vessels of the United States, and that there is another cause, proceeding from her policy, of more remote consequence. That cause may be the suppression of the commerce of the United States, or at least to reduce it to a complete dependence on her own commerce. This opinion will appear to be not without reason, if a retrospective view is taken of the policy, the conduct, and persevering industry of Great Britain to destroy the commerce of European Powers.

When the maritime power of Great Britain is contemplated, it may be inquired, what can the United States do to prevent the prostration of their commerce? Mr. R. said he was not sufficiently conversant in the commercial history of Great Britain to know, what quantities of merchandise either Holland, Spain, or France, annually imported from Great Britain, or what quantities of merchandise Great Britain exported to either of those nations, directly or indirectly; but he was induced to believe, that neither of those nations, for that cause, had such strong hold on Great Britain, to induce her to keep in peace, as the United States have. That Great Britain had not such interested inducements to preserve peace with either of those nations, as she had to preserve peace with the United States. Each of those nations was a near neighbor to Great Britain; the United States are west of the Atlantic ocean. Neither of those nations imported annually such great quantities of merchandise from Great Britain and her dominions as the United States do; it is questionable whether any other nation ever did.

Great Britain has commenced her career of injuring the commerce of the United States, not by direct warfare, but by a mode of restraint and spoliation, as efficient in event, if persisted in and suffered. There is reason to believe that these restraining regulations are put in force as a matter of experiment, and if it is perceived that they are submitted to, other new regulations will be invented, adopted, and enforced, until the desired object is obtained.

Great Britain (and every other nation, whatever system be acted on to obtain) is bound only by her own interest. If that interest directs her policy to attempt a diminution or subversion of the commerce of the United States, that attempt will be made. An attempt already has been made to restrain the commerce of the United States, by impressing seamen and capturing ships and vessels. Mr. R. said, it was his opinion, that some principle of reaction ought to be adopted; that it should consist of certain commercial regulations, which may be commensurate with the injury. That this regulation may be a suspension of the importation of goods, wares, and merchandise, from the United Kingdoms of Great Britain and Ireland, and the colonial dependencies thereof, as is declared in the resolution of the gentleman from Pennsylvania, now under consideration. The measure which ought to be adopted should be effectual and within the power of the United States.

Mr. R. said, he was not particularly attached to that resolution, his desire was, that some regulation might be made that would be commensurate to the object.

Every nation has a right to determine whether it will or will not import merchandise from any other nation. If it determine not to import, and did not import, that is not a just cause, nor ought to be any cause of offence to the other nation. It was not his desire that the United States should give cause of offence to, or commence hostilities, or be at war with any nation. He was firmly determined not to surrender any right, which, in his opinion, did belong to the people of the United States.

The United States import annually from Great Britain merchandise to the amount of more than thirty millions of dollars from the dominions of Great Britain. The vending so great a quantity of merchandise to the United States is an object of the first magnitude to Great Britain, and which she would at any time, particularly at the present, be very reluctant to lose. If adequate commercial regulations be adopted, there is reason to believe that Great Britain will be induced, for the preservation of her own interest, to make friendly arrangements, will remove all existing differences, and do justice to the United States, in their commercial concerns, agreeably to the existing, known, used, and accustomed laws of nations.

If, on the reverse, it shall so be, that Great Britain will refuse to make friendly arrangements, and to do that justice which the United States are now entitled to, and will persevere in impressing seamen, citizens of the United States, and will continue to commit injuries on their commerce, one of two things must be the consequence. The United States have either to submit their commerce to the policy of Great Britain, or to call forth their energies to resist the attempt of deprivation. If Great Britain shall hazard a contest, she has much to lose, and a war may terminate as much to her injury as to that of the United States.

In discussing the subject under consideration, arguments had been deduced from geographical divisions of the United States, and from the injury which might be done to the exportation of particular articles of particular States. These geographical distinctions might as well not have been made. These United States on every national question are one. Arguments deduced from any injury which may accrue to the exportation of any particular production of any particular State, are not well founded. In this case is involved the welfare and interest of the United States. The policy of Great Britain may be to suppress the commerce of the United States, if possible, or to reduce it to an entire subserviency on her own commerce.

It has been said that Great Britain is fighting

for her national existence, and that this being so, the United States ought not now to urge their complaints. If it be so, the United States have not been the cause of that war. The United States have not been aiding the enemies of Great Britain; they have preserved an impartial, neutral position. They have not been hostile or inimical to Great Britain in the course of that war. Their conduct has been that of friendship. But Great Britain is said to be fighting for her national existence. If so, to what cause is that war to be assigned? Is the non-performance of the treaty of Amiens, as it related to Malta, a cause of that war? If so, what nation refused the performance? Great Britain or France? The answer is evident. Can Great Britain justify injuries done to her friends? Will Great Britain attempt to justify her unjust attempts to suppress the commerce of the United States? But it is said that Great Britain is fighting for her national existence. Admit it to be so, will any gentleman say, that if, in the event of the war, Great Britain shall lose her national existence, that that loss, in the day of retribution, shall be attributed to the United States? Certainly not.

Agriculture and commerce are mutually assistant to each other: agriculture supports commerce, and commerce gives life and vigor to agriculture. Agricultural industry would become languid and feeble if it were confined to supply the mere necessaries of life. Commerce subservient to the will of another will soon cease to be.

The idea that the commerce of these United States can be suppressed is not to be admitted. That commerce may not be suppressed, it must increase and enlarge itself. Empire and commerce originated in the East, and travelled to the West. A period may not be far distant when commerce will take up her favorite residence in these United States, and these United States then be the greatest commercial nation in the world.

Mr. GREGG.—If no other gentleman is disposed to occupy the floor, I will ask the attention of the Committee for a few moments. Indisposition, if there was no other cause, would prevent me from detaining them longer. I feel myself under some obligation, before the question is taken, to make some explanation of my motives for bringing forward this measure, as I have been particularly called upon to do this by several gentlemen who have taken a part in this debate.

When I had the honor a few days ago of addressing the Committee, I stated that I had reflected maturely on the subject, and that the resolution now under consideration appeared to me the best measure in our power to adopt in the present circumstances of the country. I stated, however, at the same time, that if a majority of the Committee entertained a different opinion, I should be willing to relinquish my own impressions on this subject, as I considered it all-important to combine a strong vote in favor of such measures as we might adopt. I believe that a weak measure carried by a great majority will be more powerful than a strong measure carried by a small majority. Having confined myself to the discussion of the measure under consideration, I expected that it would have been examined on its own merits; but, contrary to this expectation, I was surprised to hear the gentleman from Virginia state in his first breath that this was not a proposition of mine, but a Cabinet measure. I wish the gentleman had deigned to inform us what he meant by a Cabinet. I perceive no such thing in the Constitution or laws. I believe the phrase is peculiar to the Court of St. James, where the Ministers of the King are called the Cabinet. I have heard the Heads of Departments and the Attorney General, assembled by the President on great occasions, called the Cabinet. I have also heard three or four members of this House, who have considered themselves the organs for conducting all its business, called the Cabinet. If it be either of these Cabinets, they have not been consulted by me. The origin of this business is no secret. A number of gentlemen, who thought something ought to be done, showed me a proposition which they wished to submit to the House. I saw several propositions—one in the hands of a gentleman from New Jersey, going to a prohibition of all commercial intercourse with Great Britain, and others embracing a more moderate system of measures. I showed these gentlemen what I had drawn up: they differed from me in opinion, and the result was my putting this resolution upon the table, that it might receive that fair discussion which I conceived its merits entitled to.

The gentleman from Virginia has also brought into view a vote of mine given on the bill making an appropriation for carrying into effect the treaty commonly called Jay's Treaty. I should have taken no notice of this allusion, had it not been made in such a way as appears to be calculated to impress the idea that my vote might have prevented that treaty from going into operation. This is not the fact, as on the final vote there were fifty-one affirmatives and forty-eight negatives. I voted in the affirmative. Had I voted in the negative, the vote would have been fifty to forty-nine. And the sense of the Speaker was well known, as he had previously voted in Committee of the Whole. There was a proposition offered to the House, which I voted for as a preamble to the resolution, the object of which was to express the opinion of the House that the treaty was a bad one; that it was not such as the country had a right to expect; but, that, under all the circumstances, it was better to make the appropriation for carrying it into effect. I believe it was understood, if the preamble was carried, the minority would vote for carrying the treaty into effect; and, though it was not carried, I did not consider that a sufficient reason for voting against it. The treaty had been regularly negotiated: I do not say it was such as it ought to have been, but it was better to let it go into operation than lose it by a small majority. The President had ratified it, and a majority of the Representatives, in Committee of the Whole, approved it. I will ask, then, the gentleman from Virginia, if he will be for putting General WASHINGTON, two-thirds of the Senate, and fifty-one Representatives, in straight-jackets? I believe the sense of the nation will revolt at the

idea; and I believe the people, if the subject had been submitted to them, would have voted as I did. How do I infer this? Because every man who voted for the treaty came to Congress again if he chose. I voted for it, and I never was elected by a greater majority. There is no district in the State of Pennsylvania more republican than that which I then represented; for I am now the representative of another district—the man now from it is republicanism itself.

The gentleman from Maryland, in making some observations on the remarks I made on introducing this measure, has ascribed to me an expression which I deny absolutely having made. I wished an opportunity at the time to explain, but the gentleman did not see proper to indulge me; and I believe this is the only instance in which such a refusal has been made. The idea which I expressed, was, that this measure would attack Great Britain in her warehouses and workshops, and would thus reach her vitals. I observed that the merchants and manufacturers were the great support of that nation, and that, if we adopted this measure, it would so affect those two classes of men that they would become our friends, and the advocates of our measures. The gentleman from Maryland has, on the contrary, attributed to me the wish of stabbing Britain to her vitals—ascribing to me the idea of wishing to destroy her Government. I should be sorry to see this effect produced. On the contrary, I wish to see that Government preserved in its vigor, as a check to her great rival Power. I believe a considerable portion of our own safety depends on the two nations checking each other.

I observed that I had no idea this measure would lead to war. I deny that it is a war measure. There is nothing warlike in it. It is a plain commercial measure, which we have a right to establish. But I observed that if Great Britain should view it in a different light, and go to war, she was not so much to be dreaded, as we should be able to take as many of her trading vessels, or at least an equal value of them, by means of our privateers, as she could of ours. From this, the gentleman has inferred that I am for meeting the British navy with the privateers of our citizens, and added, that any man who talked so absurdly ought to be shut up in a dark room, and confined in a straight-waistcoat. I am willing that the gentleman from Maryland should have the credit of being the author of all such flourishes; but, before he undertakes to anathematize other gentlemen, he ought to give some specimen (which I am sure he has not yet done) of his own superior powers.

I have no expectation that this resolution will prevail, as I find many gentlemen who advocate strong ground consider this too strong. As I said, at the beginning, I am ready to meet them on any other ground. Why do they not come out, and propose their measures? If I think the measure they propose will do, I will vote for it. But while we are going on this way, we can never come to the point. Let gentlemen, then, avow themselves for or against this measure. It appears to me that those who object to this measure as too strong, have been answered by unanswerable arguments; and I can hardly see how we can relinquish this ground, and descend to another.

I regret that some things have been said in the course of this discussion, whose natural tendency is to divide instead of uniting us. Of this description is the alleged jealousy between our merchants and farmers; a topic more fitted to destroy than promote conciliation. I wish to bury all kinds of party distinction in the discussion of this subject; I think such topics highly improper; and that every pains ought to be taken to keep out of view such sources of jealousy. I myself am a farmer, a practical farmer; and have no idea of giving up the interests of agriculture to commerce. But I have always considered the two so ultimately connected as to be inseparable. If it were not for the merchants of Baltimore and Philadelphia, the people I represent would be in a perilous condition. What they raise beyond their own wants, they dispose of to them; and were it not for them, their surplus productions would rot on their hands, and they would become indolent and poor.

There is another view of this subject, largely dwelt upon, which I exceedingly regret—the power and importance of Great Britain. I am willing to agree that Great Britain is a powerful nation, and that her navy is invincible. Still I am not willing to resign my rights and the rights of the nation into her hands. We have, on a former occasion, heard almost every argument brought forward in the same manner as on the present occasion; they had not then influence, however, to prevent a similar measure with that under consideration. I regret that they have this influence now. If we shall not adopt this resolution from its influence on our revenue, or any other cause, I hope we shall not regret it, because Great Britain may take offence at it. I wish this consideration had been left entirely out of view; that whatever we do, we may do as the Representatives of the nation, without regard to Great Britain.

The Speaker, in the course of his remarks, has alluded to an observation of mine relative to the sequestration of British debts; regretted that I made it, and expressed his belief that I would not myself agree to the measure. I certainly should not, except in a case of extreme necessity. I said that if Great Britain should violate the treaty between us in every respect but one, she could not consider us as bound by the single remaining article. But should we be released from the treaty it is said to be questionable whether the sequestration would in any case be justifiable. I believe there are extreme cases in which it would, and the Speaker and myself once agreed on that point. If Great Britain should, in violation of the treaty, let loose her cruisers, and seize our property without notice, I believe such a measure would be justifiable, though even then I should take it with reluctance. I have no further observations to make. If gentlemen indisposed to this measure will suggest one that is more moderate, I will exercise my right of judging on it.

Mr. Dawson.—I have indulged the disposition, which I always feel to be silent, during a very lengthy debate, and have attended to the observations of other gentlemen, sometimes with pleasure—sometimes with pain. I should continue that indulgence, did I not apprehend, that, from the length which the debate seems to promise, I shall not have an opportunity of giving my yea or nay; and as I propose to vote against the resolution, it might be concluded, that I view it as other gentlemen do, who are in the opposition, or that my vote is influenced by any of the reasons or considerations which have been urged by most of them.

I consider that resolution simply as a commercial regulation, which, under the powers granted to Congress by the Constitution, we have a right to to pass, and I hold it to be an internal regulation which it is our duty to pass, whenever the true interest of our country in our judgment shall require it, without inquiring what effect it will have on the feelings of any foreign nation whatever. At present, however, I deem it premature, and I hope it will never become necessary; whenever that necessity shall arrive, I will join the advocates of this resolution in its support, or in the support of any other measures which shall go to injure those who persevere in injuring us; and this has been my conduct during the whole session. I have been in favor of every measure which goes to secure the honor or interest of our country, let that measure be directed against what nation it may; but I repeat, that I hope it will never be necessary. This hope does not arise from any confidence which I have in the magnanimity or forbearance of any nation. I believe that they are all disposed to aggress when they have power, and that that disposition is only checked by the opposition of others acting on their own interest; and a discovery of this spirit on our part, with a manly determination to support our own rights, and a sacred regard for the rights of others, will, I trust, produce that effect at the present crisis; should they not, I repeat that I will join in any measure to support these rights and to obtain justice.

This resolution has been supported by some of its friends, and met by all its opponents, as a war measure. It is extremely difficult to ascertain what gentlemen mean by a war measure. If they mean that it is a measure which we have not a right to adopt without consulting others, and the adoption of it will give just cause for war, I dissent from them *in toto*. I believe it simply to be a commercial regulation intended to meet the present state of things, and that we have a perfect right to pass it, without inquiring what influence it will have at St. James's, or St. Cloud. I believe this is the place intended for the free exercise of all powers granted by the Constitution. If, sir, they mean that it may afford a pretext for war, I, without hesitation, admit that it may and so may either of the resolutions which have been submitted to the Committee, over which you, with so much propriety, preside. I well know that nations, like intoxicated individuals, when blinded by passion or superior power, seldom want pretexts for differing with their friends; to prove this I will not appeal to antiquity, or even to our own Revolution. The history of the present moment—the state of Europe, confirms this important, though melancholy truth. And if, sir, the passing of either of those resolutions, all of which I consider as standing on the same footing as to that power—and one of which I trust will pass—if, I say, that will afford a pretext for a war; if, sir, by the folly or vices of other Governments, we are forced to meet that state of things, I am not among those who are disposed to despond, or ready to acknowledge the superiority of other countries over ours. Armed, sir, with the shield of justice, and fighting in defence of our just rights, while I feel a pleasing confidence that we have more means in our power to injure any nation in Europe, than that nation has to injure us—these means I never wish to use, or to see that state of things; nor do I wish to put our finances or my country to temporary embarrassment or inconvenience, as I believe this resolution would do, especially the southern part of it, until the necessity shall be more apparent, and until it shall be seen that Great Britain perseveres in a system of measures calculated to check and destroy our rising greatness, and eventually the independence of our country. At present, therefore, I am against the adoption of the resolution, under the hope that it will be unnecessary; that we shall obtain justice without it.

Should I be disappointed in this hope, I pledge myself to unite in any measures which shall go to maintain the rights, honor, and interest of that country so dear to us all. Let those measures be directed against what nation they may, I will never surrender a perfect right, or temporize with principle.

Mr. Early.—I believe it must be seen by gentlemen that there is now no probability of adopting this measure; and I am convinced that, if adopted, it will not answer the purposes which they themselves intended to answer by it. It is not because it takes too strong ground that I am opposed to it; I am opposed to it on other grounds. On the ground that the measure, if carried into operation, will be weak and impotent, as it respects Great Britain, and ruinous as it respects ourselves. These are the grounds on which my opposition is founded. The gentleman, therefore, who submitted this proposition is mistaken if he supposes I opposed it on the ground that it was too strong; but it is not my intention again to go into the merits of this subject. I have barely risen in consequence of the diversity of opinion expressed by gentlemen, all tending to show that if this measure cannot be adopted, they are willing to meet on other ground, to invite them to give us an opportunity to occupy this ground, which I believe will be found in the resolution of the gentleman from Maryland. It is because I think that eligible ground to occupy; a ground which will not recoil upon ourselves, or do us more harm than our enemy, that I think it time to put an end to the discussion of this first resolution. Gen-

tlemen must have discovered that they cannot carry it. To put the thing then gently to sleep, and to give us an opportunity to occupy more eligible and efficacious ground, I move that the Committee rise. When the House shall be resumed, it is my intention to move to discharge the Committee from the resolution under consideration.

Mr. MACON.—Before the question is taken I beg to be indulged in stating that the gentleman from Virginia has misunderstood me. I stated that the best way in my opinion to prevent Britain from impressing our seamen, was to agree not to employ her sailors, on condition that she would agree not to take ours, relying on her being governed by a sense of interest. I should have thought the sentiment ascribed to me by that gentleman would have been one of the last in the world attributed to me.

Mr. SMILIE.—I am against the motion for the Committee's rising, though I have no objection to postpone the resolution for the purpose of taking up any other. There is a wide difference between postponing a measure to a day certain, and discharging a committee from it. Let me tell the gentleman from Georgia that I am not afraid of the fate of this resolution. It is far from me to undertake to say what that fate will be. I know it not, nor can I know it until the final vote of this House. But should this resolution be negatived, that circumstance will not change my conduct. It is enough for me that I am convinced its adoption will promote the interests of this country, and that I am not responsible for its fate, but only for my own conduct, and that I possess the privilege of recording my name in its favor whenever a decision shall be had upon it. If the gentleman will agree to postpone this resolution to a day certain, in order in the meantime to take up any other resolution on the table, I will agree to it.

As we are now explaining, I am glad to see the gentleman from Virginia in his place. That gentleman, in taking notice of my observations, doubted whether the friendship I entertained for him was sincere. If the declaration will be satisfactory to him, I will declare it was sincere: that friendship is not removed; but I wish the gentleman to understand it properly. Friendship requires an exchange of good offices between man and man; but there is a fund on which even friendship cannot draw—the fund of public good, which is of too sacred a nature to be sacrificed even to friendship; and I declare, that except so far as public duty requires, I am still willing to interchange the offices of friendship with that gentleman.

Mr. JACKSON.—I owe an explanation to the Speaker and the House. My colleague observed that some apology was to be found for the conduct of Great Britain with regard to the impressment of our seamen, from our having more of her subjects in our employ than she had of our citizens in hers. The Speaker stated that protections were a thing in the market—the price of which was as well understood as the price of other articles. Other gentlemen made various allusions to the conduct of Great Britain. I had, therefore, no particular allusion to the Speaker, when I said I was sorry to find apologists of Britain on the floor of Congress.

Mr. MACON.—I understood the remark as applicable to myself. I said the price of getting naturalized was as well understood as anything in the market.

Mr. EARLY.—In reply to the observations of the gentleman from Pennsylvania, I will observe, that if the Committee should rise, it will be in the power of the House to dispose of the resolution as it pleases. The gentleman will there enjoy the same privilege of moving a postponement to a definite time, that I shall to move a discharge of the Committee from its farther consideration. For my part it is not material to me which motion prevails. I shall not oppose the motion to postpone this resolution to a day certain. I am as willing that one course should be pursued as the other.

Mr. CLARK, in allusion to the remarks of Mr. JACKSON, said he had never supposed, from the feelings which he entertained, that he should have been considered as the apologist of Great Britain.

The question was then taken on the rising of the Committee, and passed in the negative—yeas 53, nays 58.

Mr. CROWNINSHIELD.—Mr. Chairman: The question is on the resolution for interdicting the importation of all goods, wares, and merchandises, from Great Britain and her dependencies. It is to be regretted that in the consideration of this subject its opponents have considered it as a war measure, or such as will lead to war. Had I viewed it in this light, I should have never risen in its support. I will take the liberty of saying a few words in reply to the gentleman from Maryland, (Mr. NICHOLSON,) on certain observations which fell from me when this subject was first brought into discussion. What I then said has been misunderstood and misrepresented both by that gentleman and the gentleman from Virginia, (Mr. RANDOLPH.) I am accused of wishing to plunge this nation into a war with Great Britain; I deny the charge, and I believe I said nothing which ought to have led gentlemen to have drawn such an inference from my remark. I am charged by the gentleman from Maryland with saying that our privateers would be a match for British seventy-fours; I did not say so. I said if Great Britain considered this as a hostile measure, and made war upon us, we should fit out privateers, and they would probably be able to capture two vessels to one taken by her. I here alluded to merchant vessels, and had reference to no other description of vessels. The reason I assigned for this was our experience during the last war, and our ability to defend ourselves in this way has certainly not diminished since that time. But could it hence be imagined, by any rational man, that I considered a privateer equal to a man of war? It has also been insinuated that I am in favor of a confiscation of British property, whether there shall be war or not, I suppose. I said

if Britain preferred to consider this as a hostile measure, if she actually made war upon us, we should be obliged to confiscate our debts. If she pursues a hostile course, preys upon our property, and impresses our seamen, shall we be expected to furnish her with all the means in our power to carry on war against us? Shall we continue to pay the debt and interest, when this will be the effect? Though this was a hasty remark, I am convinced on reflection that it was just, and I have no doubt if Britain chooses to hurry us into war, that it will be our duty to take her property on the land, if she takes ours upon the ocean. With regard to the observations of the gentleman from Virginia, of a personal nature, I shall not condescend to answer them, except so far as to observe, that when the gentleman stigmatizes those who held particular opinions, with meriting straight waistcoats, I am sure the Committee did not consider the remark as justified by anything which had been said. I presume no person would wish to put me into a dark room, confine me in a straight waistcoat, and support me on water-gruel. Such places are only fit for madmen. I am not willing to go there; but if I should, I might unfortunately, perhaps, find the gentleman from Virginia along side of me.

Having made these remarks, I shall proceed to consider the main proposition under consideration. It is no declaration of war; nor do I believe, if adopted, Great Britain will think it sufficient to go to war with us. She will not hazard a war with the United States on this account. Her interest is too deeply involved to permit her to take this step. What does it propose? What are our complaints? Great Britain, in the plenitude of her goodness and mercy, seizes American shipping carrying on a lawful commerce, in goods bought in the colonies of the belligerent nations. What has been her conduct ever since the first war against revolutionary France? On the 6th November, 1793, she issued orders to her armed ships to seize all neutral vessels trading with her enemies' colonies, or loaded with colonial produce—not vessels loaded with provisions merely, as has been supposed by some gentlemen, in consequence of which three or four hundred American vessels were captured. On proper representations being made, she acknowledged this conduct to be improper, and allowed the trade on which she had thus depredated to be a lawful trade. In the treaty made with her the following year, she agreed to make compensation, and I believe nearly four millions of dollars was allowed to our suffering merchants for property thus unjustly taken from them. Here was a complete abandonment of the ground she had assumed. Why did she make restitution if the trade was unlawful? How came it that the Commissioners sitting under that treaty, almost without exception, awarded damages in every case of capture prior to the date of that treaty? We heard nothing of this principle till the year 1801, when Great Britain again attempted to revive it in a new form. But on reference to her Attorney General, he declared this ground to be incorrect, and that a neutral had a right to pursue his commerce with the belligerent colony. He makes no distinction as to the outward or homeward cargo. He does not contend that the colonial trade is to be shut or interdicted in time of war, and although the direct trade between the mother country and the colony ought not to be allowed in his opinion, yet he concedes the principle that the commerce is lawful between the neutral country and the colony, and that upon the goods being once landed in a neutral port the continuity of the voyage is broken, and they may then be sent to Europe, even to those nations at war with Great Britain, to the mother country for instance.

The principle, therefore, was again abandoned by Great Britain. It is now, however, once more revived, and under the decisions of her admiralty courts, we find an immense amount of property at stake. We find not only our vessels going from the colonies to the belligerent nations, and from the belligerent nations to the colonies, exposed to capture—but our vessels are seized and condemned when trading between the United States and the colonies, and also when bound direct to Europe from this country, when loaded with colonial productions. We do not know the precise amount of these captures, but we do know it is immense. Our merchants were taken unprepared; they had not insured against such risks. Many of them must be ruined if you do not hold out your protecting hand towards them. Sacrifice this principle, and we know not where it will end. Viewing the United States as increasing in population and wealth, and unjustly considering us as her rival, her object is to destroy our commerce. I have viewed the subject in this light from the first, and I have no doubt that if we give up this right, we shall be pushed to give up others—one demand will be made after another, and we shall lose all our commerce. But we are told that Great Britain is a powerful nation, that she has eight hundred vessels of war. But suppose she had one thousand, is there any independent man on this floor prepared on this account to relinquish our rights? I hope not, Mr. Chairman; but such strange opinions have been delivered, I am prepared for anything. Great Britain is so powerful, and has such a great navy, we ought not to provoke her; we must secure her friendship by concessions, I suppose. We are told by the gentleman from Virginia, (Mr. RANDOLPH,) that if we go to war with her we must hold our seacoast at the will of the conqueror, that we must fly to the mountains for protection. No, sir, we shall not fly to the mountains. We shall meet our enemy at the ocean's edge, we shall there defend our seacoasts. To talk of abandoning our seacoasts is idle. In defence of our coast we shall, if necessary, shed the last drop of our blood. No, sir, we shall not hide behind a hogshead of tobacco, or a bale of cotton, but boldly stand forth and fight for our shores whenever a lawless invader shall touch them.

But Great Britain says, you are carrying on a trade in war, which was not allowed in peace. Is this a fact? It is not a fact? The valuable docu-

ment from the Secretary of the Treasury proves that it is not. If that document did not prove it, I could from my own personal knowledge, for I have enjoyed the colonial trade in common with thousands of my fellow-citizens during peace and war. In 1802, a year of peace all over Europe, from the returns of the Secretary of the Treasury it appears that you exported colonial and other foreign productions to the amount of thirty-five millions. This was a period of peace, as I have before observed, and demonstrates that you enjoyed this trade in a time of peace. This produce was purchased with American capital, in foreign countries, but chiefly in the colonies belonging to the enemies of Great Britain—very little of it came from the English colonies. Similar property is now seized and condemned upon the presumption that we are not carrying on our accustomed trade. I ask, then, in what other light we can consider this aggression of Britain, than as a part of her regular system of plunder?

Is it true that this trade is a mushroom or fungus that has sprung up in the night? I think it is as valuable as your export trade in tobacco, cotton, beef, or pork. Indeed it is so intimately connected with the trade in our own products that it cannot be separated from it. Your people raise a large surplus beyond their wants. Do gentlemen want this surplus produce to rot in the hands of the farmer or planter? To avoid this what must be done? It must be exported to other markets. Take the case of a cargo of flour sent to the West Indies; they have no money to pay for it, but they are willing to barter sugar or coffee in exchange. The American merchant brings these articles to the United States, but he finds the market so overstocked that he cannot sell them here. He prefers sending them to Europe rather than waiting for a demand which may never come. Now I wish to know whether he has not the same right to send this sugar and coffee to Europe, received in exchange for his flour, as he has to send the flour itself, which is the product of your soil? There can be no doubt of it; it is his own property, sailing under a neutral flag, which, if outraged, he has a right to call on his Government to protect.

I know of a vessel which went last year from Salem, in Massachusetts, to Richmond or Petersburg, in Virginia, I forget which of them, and there took a cargo of tobacco, with a view of going to Manilla, a Spanish port in the Chinese seas. I believe she loaded four or five hundred hogshead of tobacco. This vessel will be compelled to bring back a cargo of sugar and indigo. There will be no dispute as to the neutrality of the ship or cargo—both belong to an eminent merchant of Massachusetts. I am sure the indigo will not be wanted in this country. It will sell higher in Europe; and the owner may wish to send both the sugar and indigo to Spain, to France, or Holland, but it will be exposed to British capture. It will be said it came originally from an enemy's colony. It is contaminated. It cannot be carried to Europe, because it may turn out possibly that the owner intended to send it to Europe when he first undertook the voyage to Virginia, twelve months before. This will be said in a British Court of Admiralty; however true or false it may be, they will judge of the intention, and the whole will be condemned. I ask you, sir, I ask the Committee, whether this is not a fair and a lawful trade? It is an honorable trade. It is a trade in tobacco. The sugar and indigo of Manilla will be purchased with the tobacco of Virginia. It is sent to a distant country on American account. The returns from necessity are made in colonial produce. It will not all sell here. It must be sent abroad; if it is seized on the passage, will a second voyage be attempted? Will any merchant send to Virginia to buy another cargo to ship to an enemy's port, if his property is to be torn from him on its return, or before it can find a market? It would be just as right to seize the tobacco before it reached the enemy's port, as to take the proceeds of that tobacco on a subsequent voyage. Is not agriculture interested, and greatly interested, too, in such voyages as these? It is perfectly clear in my mind that it is. Such a trade as I have described is the trade in dispute between us and Great Britain. Will you abandon it? I hope you will not. You cannot. It is too important, too valuable to be sacrificed.

Some gentlemen, and particularly the honorable Speaker, have conceded all the advocates of this measure wish, in saying we have a right to send a load of flour to the West Indies, and bring back a cargo of coffee in return, and afterwards to send this coffee to Europe. We have a right to this trade as much as to the trade in flour.

[Mr. MACON here explained, and observed he had said that a dollar got in this trade was worth as much to the country as a dollar got in any other way.]

Mr. CROWINSHIELD.—Yes, sir, I understood the gentleman as saying that also. I may, however, be mistaken in the first declaration of what fell from the honorable Speaker; but I took a memorandum of it at the time. Well, this is all the advocates of the resolution contend for—that it is a fair trade—as good a trade as that of tobacco, or flour, or anything else—that a dollar earned by it is as valuable as any other dollar—that it is not a dishonest trade—that it is not the covering trade; in my part of the country it is not known by the name of the carrying trade—the carrying is the freighting trade; and our people do not fit out their ships for the purpose of transporting the property of belligerents on freight. Our merchants are possessed of sufficient capital to load their own ships on their own account. They own the property themselves. It is not a foreign property. There is no want of American capital to carry on our commerce. The British condemnations do not proceed on this ground. They allege we are carrying on a trade in time of war, which was not allowed in time of peace. There is one point of view in which this subject may be considered, which is important; it is this: It will be seen by the committee, that Great Britain condemns both ship

and cargo, when there is no question as to the neutrality of the flag, and the crew are sure to be kept prisoners at the same time. It is not so where the ship is freighted for account of a belligerent. Here she would be paid her freight, and the ship would be acquitted, and the seamen would be left to navigate the ship home, the cargo only being enemies' property would be condemned. By the new principle, the whole is swept away. This is even far worse than the blockade principle. Here the vessel ought to be warned not to enter a blockaded port; she cannot fairly be seized unless the owner or master has been informed of the blockade; and on the return voyage, in my opinion, she must be permitted to go free. Grant to England what she wants, under her new doctrine, and she may give up blockades altogether. She need not blockade Martinique or Guadaloupe in future. She may save the expense of sending her fleets against the enemies' colonies. She has only to watch the ports of New York and Boston with a few frigates, and the thing is done. Here they can prey upon your defenceless vessels with the greatest facility. Your merchant vessels trading with the enemies' colonies and to Europe, loaded with colonial productions, clearly American property, fall into the hands of British cruisers without any trouble. This takes place every day. What! Shall a neutral ship and cargo be captured and condemned because it was the owner's intention to send the produce to Europe to a better market than his own country afforded him? The principle is monstrous. I revolt at it. It sets reason and justice at defiance. Great Britain condemns both ship and cargo, and in addition seizes our seamen. She has extended the ground of capture. She has condemned our property coming from a belligerent nation to America, or when destined to a neutral country, not our own, on the pretext of intention to trade with the colonies. I assert that all these condemnations are illegal and unjust. I say the trade in which these vessels are engaged is highly valuable, and ought to be protected. It is an important branch of your import as well as export trade. But gentlemen differ on this subject. Comparisons have been made as to the different branches of our commerce. The honorable Speaker said, when he was up on this subject, that the trade which he considered of the most consequence was the coasting trade. This trade is valuable in a certain degree, but it is subordinate to your other commerce. Is the coasting trade in tar and turpentine from North Carolina to Norfolk and New York of so much consequence? But even this trade is put to hazard. Allow the British doctrine to be correct, and their seizures will soon extend to this trade. They want to confine you to a mere coasting trade from State to State. I am not contending for the freedom of commerce for one State more than another. The Northern and Southern, the Eastern and Western States are all interested in this great question. I cannot permit the insults offered to our seamen to be passed over without some remarks. Great Britain, whenever she finds an American seaman without a protection seizes him—whenever she wants men to man her vessels impresses them. Something has fallen from the honorable Speaker, in which I understood him as saying he had been informed, from respectable authority, that protections are an article bought and sold in the markets; but I know that this is not the fact; they are an article which cannot be bought or sold in the market. I do not pretend to say there may not have been some abuses in the protections, but the instances are rare. Under a law of the United States the applicant is obliged to apply to a justice of the peace, and unless he proves to the satisfaction of the magistrate that he is a citizen, the magistrate does not give him a certificate. On proving this, he gives him a certificate, with a description of his height, complexion, age, and place of birth. With this he applies to the custom-house, and receives from the collector his protection, as it is erroneously called, for it is no protection to him—it affords him none. Now, it is impossible, if the man felt so disposed, to sell this protection, as it will not correspond with the description of another person. It will, however, I believe, be agreed, that these protections are totally disregarded by Great Britain. Has she then a right to treat our citizens in this manner? Is it right for a belligerent nation to have three thousand of our citizens on board of her ships of war, fighting her battles against our friends? I have no doubt that at the battles of Aboukir and Trafalgar many of your seamen were engaged in her service; I have no doubt that in the list of killed at Trafalgar are to be found the names of hundreds of your seamen who fought and bled, not in defence of your liberties, but against a friendly Power!—seamen impressed into the service of a foreign nation, without receiving any compensation for their services—for they are not allowed wages unless they voluntarily enter into the service, and there is not one case in a hundred in which they do it voluntarily. No, sir, they have too much respect for their own rights and the honor of their country; they never enter into the British service but under the lash of a boatswain. But the honorable Speaker thinks this measure may be accommodated by resorting to another principle, by our merchants not agreeing to employ British seamen. I think the honorable Speaker said there was no other way to save our seamen than for our merchants not to employ British seamen. But this is impossible; it cannot be done; they could not, they ought not to accede to such a principle. Would you wish to see British seamen delivered up in exchange for your own citizens? They are not numerous. Our seamen in the Eastern States are mostly natives of the country. The foreign seamen in our service enter freely. They come voluntarily among us. We pay them wages. Would you seize them on the wharves or in the streets and deliver them up? Do you recollect the case of Jonathan Robbins, which excited a fermentation in this country almost beyond example? Is the same scene to be acted over again? Upon this principle you may

as well deliver up the cultivators of your soil, who are British subjects. You have many British subjects in the country who do not go to sea. Are these persons to be delivered up to Great Britain in exchange for your seamen? I trust not. If you could procure the release of your citizens on this ground it shall never have my support.

What is the proposition under consideration? A non-importation of British goods at a distant day. For myself and my friends, who are in favour of this resolution, I may say that it is not our wish that it should go into effect at all; we flatter ourselves that before the period arrives at which it is to take effect, Great Britain will do us justice. But gentlemen cry out, this is a war measure. This is their constant argument. But, sir, it is not a war measure, it is a mere commercial regulation, which we have a right to pass, and of which Great Britain cannot justly complain. Great Britain herself adopts commercial regulations, which go to interdict the productions of other countries. This she is in the daily habit of doing—her whole commercial system is a system of monopoly and exclusion. Her East India trade is a monopoly; and our trade to her West India islands is carried on as a favor. In peace she entirely shuts up, and in war opens partially her ports in that quarter. We do not quarrel with her on this account—we do not cry out it is a war measure. Look at her navigation act. She puts the commerce of all other nations in chains. She wants to engross the commerce of the whole civilized world.

If we concede this principle to Great Britain we must make a like concession to France, who will undoubtedly capture our vessels trading to the British islands. France would have the same right to do it that Britain has. If we abandon it, we violate our neutrality, by giving to one of the belligerent nations a right not possessed by her at the beginning of the war.

I believe these unjust aggressions of Britain have arisen from a spirit of commercial rivalry, which is alarmed at our great and increasing revenue. In 1790, our revenue amounted to about two millions—in 1796, it amounted to six millions—in 1804, it amounted to upwards of twelve millions; and for the last year it may be estimated at thirteen millions. Our trade has increased beyond all calculation, and this has excited the jealousy of Britain. We have seventy thousand seamen, and a million tons of shipping. At the peace of 1783, we did not possess over two hundred thousand tons. Our exports and imports have increased in an equal proportion. In the last returns they are stated at seventy-five millions, and there can be no doubt of a great augmentation for the present year. Great Britain makes these aggressions on our rights, calculating on our divisions. Let us be united in resisting them, and we shall hear no more of her injustice. In support of this measure I will endeavor to prove that this trade is carried on with American capital, in opposition to the allegation that it covers enemies' property. If it can be proved to be American property, I suppose gentlemen will be willing to protect it. I rely on the documents of the Secretary of the Treasury. The commercial gentleman from Maryland, (Mr. MCCREERY) has proved the trade to the West Indies is carried on with American capital. He has shown, from the Treasury statements, that 21,371,311 dollars worth of produce of the West Indies has come to this country the last year, and that an equivalent amount was sent from this country, and sold in the West Indies. The calculation is sufficiently correct. I have examined it. The estimate is made upon the sales of the outward cargoes, and upon the fair cost of the produce in that country. The documents on your table prove this, and the same thing may be established with regard to the trade to Europe. I find by the report of the Secretary of the Treasury, there is exported to France, Spain, Italy, and Holland, to the amount of $24,259,114 in foreign goods, and of our own productions we export to those countries $12,183,000. These two sums, added together, amount to $36,442,114. All these countries are enemies of Great Britain. The amount of importations from these countries is only $25,475,000, the balance being about $11,000,000 in our favor. It follows that we import from these countries eleven millions less than we export to them. There is also the amount gained on the sales in Europe. This may be fairly estimated at four or five millions of dollars. What becomes of the difference? It goes to England in payment of her balance against the United States, amounting on an average to fourteen millions; this balance exceeded fourteen millions the last year. This balance is made up by remittances from the other belligerent countries. You could pay Britain this balance in no other way. Could you get the specie in sufficient quantity from other countries, or from your own to pay this immense balance? You could not do it. It is impossible. It is remitted by bills of exchange from Italy, from Spain, from France, and particularly Holland. And yet, strange to tell, this is the very fund upon which Great Britain is continually making depredations, and which some gentlemen, so fond of the trade we carry on with Britain, are anxious to destroy by withdrawing all protection from it.

The honorable Speaker does not seem to know how this balance stands. He cannot depend on the information he receives from your custom houses. But though he may not rely on the accuracy of your export to particular countries, as a vessel does not always go to the port for which she clears, he may implicitly rely on the state of the imports; there can be no deception in the imports, and the value of the exports cannot be materially erroneous; and he may rest satisfied that if Great Britain seizes property destined to belligerent nations, your merchants will be unable to pay her the balance they owe her. But it is said I do not understand calculation; and the gentleman from Virginia (Mr. RANDOLPH) has made an allusion to a debate on a former occasion, but which has no possible bearing on the present question. On that occasion I said, that if I were to buy three per cents. I should be obliged to give for them

more than one half their nominal amount; but that if I meant to keep them I would not choose to give more—and I say so still. The only question, however, sir, before us is, whether we will interdict the importation of British goods? We are not fixing the value of three or six per cent. stocks. We are driven to the necessity of taking some measures to compel Great Britain to do us justice. Her friends, however, do not wish the non-importation measure ever to go into operation; they hope that Britain will do us justice, rather than submit to the injuries it will inflict upon her. But if she will not release our sailors, and restore or make payment for our ships, I do wish it to go into operation, and to continue until she has restored them. The luxury of a woollen blanket is not such as I wish to enjoy at the expense of the rights and honor of my country. The gentleman from Maryland (Mr. Nicholson) may enjoy it if he pleases. and he has told you he does not wish to relinquish a luxury of that nature. But I would rather submit to be clothed in a bear skin—rather than submit to this degradation I would agree not to wear a single article of British manufacture during my life. Sir, I would rather go naked. I ask pardon of the Committee, but I speak the honest sentiments of my heart.

I will not however detain the Committee with many additional remarks: I will only call on gentlemen not to sacrifice the best interests of commerce, by giving way to the principle which Britain has assumed. In sacrificing them, will they not at the same time sacrifice the interests of agriculture? I cannot see a distinction between them. Without we protect commerce, what can we do with our surplus productions? But because we call upon you to protect commerce, are we to be stigmatized as the friends of a fraudulent trade? No; we are willing to let those who cover enemy's property with a neutral flag take care of themselves. I am further charged with a wish to meet Great Britain in war. But, sir, I have no such wish: my only wish is to obtain an honorable compensation for the injuries she has committed. We are charged with going back to the times of the Revolution, and comparing the temper of our country at that time with its present temper. Sir, I was a child when the Revolutionary war commenced—I have scarcely a recollection of the times of the Revolution; but would such language as we have heard on this occasion been then tolerated? That a gentleman should get up and tell us we ought to succumb to Britain, because she had 800 ships on the ocean, is astonishing to me. I cannot comprehend its tendency. Such sentiments were not uttered during the Revolution. Then, with a population of two and a half millions, we boldly met that nation, and triumphed over her arms; and if necessary, we can meet her again, or any other nation that shall treat us with the same injustice. Under like circumstances I would meet France, Spain, or England—I would meet them all collectively, if necessary, and I have no doubt we would be a match for them all, though for saying so I may be denominated a madman. I would hold this language if I belonged to one of the smallest nations of the earth—I would hold it were I a citizen of the petty Republic of St. Marino,—were my rights invaded I would fight till I could fight no longer. Do you want to damp the ardor of the American people, because Great Britain and France are powerful nations, and the former has determined to annihilate our commerce? Mr. Chairman, I am no public speaker, and I have not arranged my ideas, or clothed them in the language I could have wished; but I do say we have reached a crisis which imperiously demands the adoption of measures for the maintenance of our commercial rights, which so far from impairing, will promote the interest of agriculture. For, sir, they are inseparable; they are twin-sisters—children of one birth, of the same parents, begotten by one common father—they must live or die together—you cannot separate them—by sacrificing the one you sacrifice the other. More than this, sir, the people of this country will not submit to these aggressions on their rights. The people are both agricultural and commercial, and they know that the fall of commerce will be soon followed by the destruction of agriculture. And should this Congress or any other abandon their commercial rights, they will send other men to represent them. They ought to do it, and you may be assured they will do it. Mr. Chairman, what is to become of the surplus productions of agriculture? Shall they be suffered to rot or perish in your warehouses or on your plantations? If they cannot be sold abroad, and the returns be permitted to be made to this country, and afterwards re-exported, this will be the case with a large part. What will become of a number of persons employed in agriculture? Will you dispose of the slaves in the Southern States? Gentlemen will not consent to it. Then, I say, afford a reasonable protection to commerce.

Sir, I must have fatigued the Committee—I fear I have been troublesome at this late hour of the day—I hope I will be pardoned. Weak and feeble as has been my defence, and the support I have attempted to give this resolution, I have done what I considered a duty, and I trust my motives will not be called in question. I shall not trouble the Committee any further on this subject.

[It being the usual hour of adjournment, Mr. Smilie moved that the Committee should rise, and said that he would to-morrow agree to take up in committee the proposition of the gentleman from Maryland. The Committee then rose, and the House adjourned.]

Thursday, March 13.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States:" Whereupon,

Ordered, That the said amendments, together with the bill, be referred to Mr. Varnum, Mr. Sailly, Mr. Kenan, Mr. Covington, Mr. Kelly, Mr. Goodwyn, and Mr. Tallmadge.

A message from the Senate informed the House

that the Senate have appointed a committee, on their part, to join with such committee as the House of Representatives may appoint, to consider and report what business is necessary to be done by Congress, in the present session.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That Major General Arthur St. Clair be heard at the bar of the House in support of his claim.

Ordered, That the said resolution do lie on the table.

On motion, it was

Resolved, That the Secretary of the Treasury be directed to lay before this House the names of the persons in whose favor bills have been drawn on the Treasury of the United States, by the Ministers of the United States near the Government of France, under the stipulations of the Convention between the United States and France, concluded at Paris, on the thirtieth of April, one thousand eight hundred and three, specifying as far as possible, the amount and nature of each particular claim for which bills were so drawn.

On motion, it was

Resolved That the Postmaster General be directed to lay before this House a list of the names of the persons who have made contracts for carrying the mail of the United States, since the last day of December, one thousand eight hundred and four, specifying the terms and duration of each contract, respectively.

IMPORTATIONS FROM GREAT BRITAIN.

The House again resolved itself into Committee of the Whole on the state of the Union—Mr. GREGG's resolution still under consideration.

Mr. LEIB.—From the course which has been pursued for several days, I am induced to move that the Committee of the Whole on the state of the Union be discharged from the further consideration of this resolution, and that of the gentleman from New Jersey. Without entering into the merits of the resolution, I will confine myself to stating the reasons on which I make this motion. I did expect, when this subject first came under discussion, to have heard something respecting its merits; that a comparison would have been drawn between the advantages and disadvantages likely to ensue to the United States from its adoption, instead of which I found my colleague sailing round the coast without examining its tendency or bearing. He told us it was pacific, and, in the same breath, said it struck a dagger into the vitals of Great Britain. If, Mr. Speaker, I were to strike a dagger at you, would you not consider it a hostile act? And yet this measure is said to be pacific, and it is represented as having no tendency to war. When this measure was first proposed, I was in favor of it; I was impelled by my feelings against Great Britain, whose injuries I sensibly felt. But I have since listened to the arguments adduced in its favor by my colleagues. What are they? Did they speak of its profits and loss; did they show that it would be advantageous to this country? Instead of this they talked of national honor. But, on this subject, I agree with the poet:

"Act well your part, there all the honor lies."

I am not disposed to be a duellist for national honor. I am disposed to view this as a question of profit and loss; and if the loss will be greater than the gain, to reject it; and it is because I think that the United States will incur more loss than profit by it, that I wish to get rid of it. I believe it will have a warlike aspect, and therefore I am against it. I have no idea of fighting all the world. I hope, from the course which this discussion has taken, and from the conviction which it has produced of the inability of the United States to carry this measure into effect, that we will enter on the discussion of some other measure more likely to be effectual. I am willing to get rid of this resolution in the easiest way, and I therefore move you to discharge the Committee from its further consideration.

Mr. ALSTON.—The gentleman bottoms his motion on the idea that this is the most ready way to get rid of the resolution; but, on this motion, the subject remains as much before you as if the discussion were on the resolution. If, however, we are permitted to go into the Committee of the Whole, we may there refuse to take it up without any discussion, and we may then take up any other resolution.

Mr. LEIB.—There is no doubt the gentleman thinks his path the straightest, and his conceptions the most luminous. I do not like, however, this resolution remaining on the table; as it will still remain in the power of the Committee to call it up.

Mr. SMILIE.—Whether the course recommended by my colleague be the best, the House will judge; but he has assigned a curious reason for it. I think he said, at first he was in favor of the resolution.

Mr. LEIB explained, by observing that he had said his impression at first was in favor of the resolution.

Mr. SMILIE.—That was just what I stated. The gentlemen expected, it seems, also, to have heard wonders, which he has not heard. It is possible that that gentleman's mind may take a higher tone than mine; and he may have expected a superior discussion to that which this subject has received; but I am not ashamed to say that I have received light from this discussion. I think, indeed, the question has been pretty well examined. I have, in this business, wished for peace—I have labored for it—and though I approve this resolution above any other, I am willing to part from it to meet those of my brethren, whose sincere wish it is to do something. I know it is best to do something that shall appear to be the sense of the nation. I am willing, therefore, to meet on middle ground. I have another objection to the course recommended by my colleague. Some gentlemen cannot be satisfied without enjoying a triumph. I should be willing to indulge them in these feelings if I thought they deserved one, but I do not think they do. If they wish

peace preserved, and are desirous of serving their country, they will deprecate the effects of a measure which may distress and divide us.

Mr. EARLY.—I rejoice that this motion is made, as I had, in truth, intended to make it myself. It will be recollected that, when in Committee of the Whole, I made a motion to pave the way for submitting to the House this motion, in part, which I intended to make, as it embraces both the resolutions of the gentlemen from Pennsylvania and New Jersey. I consider the two resolutions as of the same family. It must be apparent to every member of the House that the subject is exhausted, so much so that yesterday we were entertained for several hours with answers made to the arguments of gentlemen who intended to vote on the same side. Gentlemen declare themselves in favor of an accommodation, who, though they cannot vote for this measure, are willing to adopt some other. It was in this spirit that I made a motion yesterday, and it is in the same spirit that I am in favor of the course now proposed. Let us, then, take this business out of the power of the Committee, and place it under the control of the House, who may make such disposition of it as they may think proper. I do not feel particularly anxious as to the course which shall then be pursued. If any gentleman will then move to postpone the resolution to a day certain, I will vote for it.

Mr. SMILIE considered the course recommended by the gentleman from North Carolina, (Mr. ALSTON,) most correct. When in Committee of the Whole, we may agree not to consider the resolution, and to consider some other, The resolution under consideration may, in the meantime, remain before the Committee, subject to being acted upon at any future period, should we agree to no other.

Mr. G. W. CAMPBELL.—I feel a little surprised at the sentiment expressed by the gentleman from Georgia, as I did understand him yesterday, as having expressed himself willing to adopt the course pointed out by the gentleman from North Carolina. I do believe that course most proper, and I do not see any reason for a different course. I am against discharging the Committee of the Whole from the consideration of this resolution. I can see no use in this, unless to give gentlemen the appearance of a triumph. Though I believe there is a decided majority at present against the adoption of either the resolution offered by the gentleman from Pennsylvania, or that offered by the gentleman from New Jersey, I do not know whether a week hence there may not be a majority in favor of one of them, in consequence of receiving further information. Under this impression, I hope the resolutions will be permitted to lie on the table.

Mr. J. RANDOLPH.—I do not know, Mr. Chairman, that I understand the question, unless the gentleman from Pennsylvania and his friends are willing that their favorite measure should be strangled in the dark, from an unwillingness that it should suffer a political death. The two gentlemen from Pennsylvania have produced between them a bantling, and have offered it to the House. We do not like it, and they are for forcing it upon us. We revolt at this, and what do they say? They allow they cannot carry it; but say that, to discharge the Committee of the Whole from its further consideration, will be to cover certain persons with political disgrace. They are, therefore, for going into a Committee of the Whole, and when they get in Committee, refusing them leave to act upon it. Is this parliamentary? Is it regular for a Committee to refuse to decide on the business submitted to them by the House? Let us either adopt or reject the resolution, or discharge the Committee of the Whole from its further consideration. For what purpose was it referred to a Committee? For the purpose of not being acted on? For the purpose of our going into Committee and then refusing to act upon it? Will gentlemen refuse to discharge the Committee from the very resolution they do not mean to act on? I do not understand this. It is beyond my depth. Gentlemen should have pondered well before they brought forward this measure. They should have felt for the support on which to rest it; and if they are ashamed of now trying this support, they should withdraw their resolution. They ask too much when they complain of the course we propose to pursue. Should the resolution continue in its present state, it is liable to be called up at any hour, when there may be a thin House, and after gentlemen say they do not mean to act upon it. If the House do go into Committee, I hope the resolution will be acted on, and discussed—for though gentlemen have said the subject is exhausted, I do not believe it is exhausted, though they may be.

Mr. CONRAD said, his wish was to cultivate harmony. He wished this was the sentiment of every member—he hoped it was. If those who were for taking stronger ground, were willing to accommodate, he hoped they would be met in a spirit of amity—he hoped there would be a strong vote in favor of the measures adopted to convince this people and the world we are not so timid as some gentlemen seemed to imagine. He was in favor of the course pointed out by the gentleman from North Carolina.

Mr. STANTON.—Mr. Chairman, the resolution on your table is considered, by the enemies of it, a war measure. Is it possible that men of information or common sense should view it as a hostile measure? I disavow that opinion. The idea is chimerical. It is, in fact, a commercial measure; the regulation of which is vested in Congress by the Constitution. But, we are told, it will lead to war. Such a construction might be put on our revenue laws, and many other of our other public acts. Such inferences are whimsical. Sir, the honorable member from Virginia tells the House, we have a negotiation pending with Great Britain, and we ought to wait the result. I ask how long—seven years—until our commerce is annihilated, and three thousand more of our citizens impressed into the service of Great Britain? The Executive has repeatedly remonstrated, but to no purpose. The gentleman has commenced a vol-

unteer apologist for that unprincipled Government, and tells the House we tried negotiation with Spain, and failed—at the same time avers there is no Spain—it is France and Bonaparte, and Talleyrand; they have bullied Spain out of her existence. He proceeds, and asks the House this question—can you expect Great Britain will respect our neutral flag at the expense of her existence—is she not fighting for her life? and tells us that the combined fleets of Holland, France, and Spain, are no more, and that Great Britain has eight hundred ships-of-the-line, including other smaller vessels of war; and Russia is the second Power of continental Europe, with half a million of hardy troops—with sixty sail of-the-line and thirty millions of subjects; a territory more extensive than our own; that she is a store-house for the British navy, and solemnly warns us before we enter into a contest public or private, be sure you have fortitude enough to go through with it—if you mean war, say so, and prepare for it. Behold the disrespect in which France holds neutral rights on land! as though we were bound to tamely submit to the unprovoked insults of Great Britain, because France is playing the same game on the continent of Europe—for he smoothly slides over the nefarious conduct of Great Britain, to the impressment of our citizens, and dwells with apparent delight on the omnipotence of the British navy. I am at a loss to account for this miraculous conversion of the gentleman to the British interest. I am ready to say, with astonishment, oh! how is the mighty fallen, how is the fine gold become dim, tell it not in the streets of Askelon, lest the tyrants of Europe and the aristocrats of New England rejoice! Pardon, sir, the digression. He has injudiciously attacked the official invulnerable character of the Executive and Head of Department. I have quoted a line or two from the best of books. Sir, it is to be deplored, that a man of brilliant talents, and great merit should, by his poignant irony, have increased the number of his opponents; but, why should I wonder? That was the case with the celebrated French orator, Mirabeau, whose predominant passion and insatiable thirst for pre-eminence led him into numerous errors and inconsistencies; add to this the gentleman's fondness for Cabinet rank and Utopian glory. But, notwithstanding this dereliction from the principles of the American Revolution, I hope he will not long continue enveloped in the fog of aristocracy, but reassume his former honorable and useful station. Mr. Speaker, is it not a great misfortune that a gentleman of superior talents and elegance should speak day after day without making a single convert or disciple? The gentleman now flatters himself that the friends of the resolution will abandon it; and he affirms that they are ashamed of it, and despair of its adoption. Let that be as it may, I can assure the honorable member I am not ashamed of it, and wish to occupy higher ground and stronger measures—even a non-intercourse with Great Britain—unless she will discontinue her piratical measures against us, by a restoration of property and a liberation of American citizens. A gentleman from Pennsylvania, on my right, who is in unison with the gentleman from Virginia, tells you the citizens are destitute of fortitude sufficient to abstain from the use of many of the articles contained in the resolution on your table—particularly coarse woollen cloths—the people are so attached to them by habit, sir, if they were given to the laborer they would come dear by paying the tailor's bill for making them up; a seven-knot breeze of wind would blow out the filling, and leave but little remaining.

Sir, the people of New England at the commencement of the Revolutionary war with Great Britain, and previous to an open rupture, possessed fortitude sufficient to totally abstain from the use of British manufactures for years, and the ladies voluntarily discontinued the use of their favorite, delicious India shrub, in order to obtain liberty and independence. The gentleman's age does not permit him to remember these noble acts of patriotism, which are fresh in my recollection.

Sir, the honorable member from Virginia is fully prepared to go to war with all the Powers of Europe, except Great Britain. As for Spain, who he wishes to fight, she is annihilated, and cannot be found; she has sunk under the wing of Talleyrand. I presume the gentleman will possess prudence enough not to risk himself on the watery element, nor near the seashore, lest the voracious shark should attack him, and deprive him of his proboscis. The gentleman generously continues to give you wholesome advice. Get rid of your national debt; it is a dead weight, that cramps your measures—I am free to confess, this is the best part of his harangue, and the only part that has weight in it—and then, he says, you may bid defiance to all the world. Sir, this is comprehensive and strong language; it puts me in mind of the young man who expressed a wish to his father, that all the people in the world were dead, except himself and his brother Jonathan; for then, he said, they would buy and sell land and get money like all the world.

Where a nation is insulted, as we are, the stale doctrine of passive obedience and non-resistance ill becomes an independent nation, much less the American character. Such pusillanimous conduct will not obtain redress. Mr. Chairman, when I take a retrospective view of the nefarious conduct of the British Government toward the United States, and consult my feelings, my very soul is fired with just indignation at the unprovoked insults offered the American flag, and the piratical and systematical plundering system adopted by the Government of Great Britain against neutral rights. I am almost as anxious to make war against Great Britain as the honorable member from Virginia is to make war against Spain, if she was to be found. But, sir, in cooler moments of serious reflection, the little judgment I possess dictates to me to avoid war, as one of the worst evils that can or does afflict a people. The calamities inseparable from war are incalculable. Under this view of the subject, I am induced to believe that the interest of my country, and the happiness of the State I have the honor to represent, will

not permit me to indulge my resentment; being persuaded that nations, as well as individuals, are governed by interest, I am led to hope that the measures contemplated in the resolution on your table will have a favorable effect on our negotiations now pending with Great Britain. I shall give my vote in favor of the resolution.

Mr. Gregg said, he did not feel in the least hurt by the motion made by the gentleman from Georgia. When he had laid the resolution on the table, his wish was that it might receive a fair discussion; and he had undertaken to assign his reasons in favor of it. He should consider a discharge of the Committee of the Whole as equivalent to a rejection of the resolution. He should not consider the friends of the measure involved in disgrace if this motion should prevail. They had done their duty, and he did not think there was any disgrace in being in a minority. The world, the nation, would judge whether their decision was right or wrong. He felt perfectly satisfied that the resolution he had proposed was the most proper, and ought to be adopted. Entertaining these ideas his conscience told him to vote for it, and he was ready to discharge that sacred duty.

Mr. Findley observed, that when a resolution on a similar subject was before the third Congress, which was considered as occupying too high ground, it was disposed of by being ordered to lie on the table. He thought this was the course which ought to be pursued in the present case.

Mr. Blackledge.—Although I am opposed to the resolution of the gentleman from Pennsylvania, under the belief that it will be more injurious to us than others, yet, when I see the friends of this measure willing to unite with those who are for milder measures, I am of opinion that we ought to meet them.' In this stage of a discussion, involving the first interests of the nation, shall we be disunited by an altercation as to the mode of proceeding, when we agree in the substance? For this reason, and believing it of importance that the measures which we may take may be adopted by a strong vote, I am against discharging the Committee of the Whole from this resolution.

The yeas and nays were then taken on discharging the Committee of the Whole from the further consideration of Mr. Gregg's resolution, and were—yeas 24, nays 101, as follows:

Yeas—Burwell Bassett, John Campbell, Levi Casey, Christopher Clark, Joseph Clay, Elias Earle, Peter Early, John W. Eppes, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, David Holmes, Walter Jones, Michael Leib, Joseph Lewis, jr., Josiah Masters, Joseph H. Nicholson, John Randolph, Thomas Sandford, Thomas Spalding, Philip R. Thompson, Daniel C. Verplanck, and David R. Williams.

Nays—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, Phanuel Bishop, William Blackledge, John Blake, junior, Thomas Blount, James M. Broom, Robert Brown, John Boyle, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, Matthew Clay, George Clinton, jun., Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Hough, John G. Jackson, James Kelly, Thomas Kenan, Nehemiah Knight, Duncan MacFarland, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, Josepn Winston, and Thomas Wynns.

The question was then taken on discharging the Committee from Mr. Sloan's resolution, by yeas and nays—yeas 26, nays 98, as follows:

Yeas—Burwell Bassett, John Campbell, Levi Casey, Christopher Clark, Joseph Clay, Matthew Clay, Elias Earle, Peter Early, John W. Eppes, James M. Garnett, Charles Golsborough, Peterson Goodwyn, Edwin Gray, David Holmes, Walter Jones, Michael Leib, Joseph Lewis, jr., Josiah Masters, Joseph H. Nicholson, John Randolph, Thomas Sandford, John Smith, Thomas Spalding, Philip R. Thompson, Daniel C. Verplanck, and David R. Williams.

Nays—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, junior, Thomas Blount, James M. Broom, Robert Brown, John Boyle, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, George Clinton, jun., Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Hough, John G. Jackson, James Kelly, Thomas Kenan, Nehemiah Knight, Duncan MacFarland, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., Josiah Quincy, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John C. Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Al-

exander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

The House then resolved itself into a Committee of the Whole on the state of the Union.

The Chairman put the question on considering Mr. GREGG's resolution, on which the Committee divided—yeas 47, nays 70.

Mr. J CLAY moved to consider the resolution offered by himself, and that of his friend from Maryland, (Mr. NICHOLSON.)

Mr. SMILIE moved to consider the latter resolution.

Mr. J. RANDOLPH said he would make a superseding motion, which was, that the Committee should rise, and he would assign his reasons for this motion. I am well aware, said Mr. R., and I consider it the happiest and fairest feature of our policy, that in a deliberate body a majority must govern. This is a position which has often been enforced on me, and which I have sometimes enforced on others; but I hope no majority will be indisposed to act honestly. Though a majority ought to govern, it should not be on motives of caprice, freak, or passion, but wisely; and it ought not, at this time of day, to feel power, and forget right. The reason why I am in favor of the Committee rising, is the same which I advanced the other day against the resolution of the gentleman from Pennsylvania—a reason which, it is astonishing to my mind, does not operate on every member of the Committee—the state of things here and abroad. Is there a member prepared to vote for the resolution of my excellent friend from Pennsylvania, (Mr. J CLAY,) or of my worthy friend from Maryland? (Mr. NICHOLSON.) I believe not. I, for one, am not prepared. The other day, when I said I was disposed to treat with Great Britain for the very reason that I was indisposed to treat with her in 1793, I perceived a sneer on the faces of gentlemen, and that they scouted the idea. But what is the fact? The gentleman from Massachusetts quoted the Message of the President, showing that this business is still *pendente lite.* What information does the President, in that Message give us? That he had tried negotiation and failed? That, as in another quarter, our Minister had been shoved neck and shoulders out of the Cabinet? No! That negotiation is still pending between our Minister and the Minister of Britain. Can then, gentlemen, while the business is *re infecta*, feel disposed to act, either on the resolution of the gentleman from Pennsylvania, or that of the gentleman from Maryland?

Again, must we not every day expect information from Europe; and ought not this information to have an influence on this Assembly, if, indeed, we are a deliberative assembly? Surely it ought. On political empirics, who prescribe the same medicine to every disease, this information may have no effect. But on the minds of sober men, it ought to have, it must have, an effect. The situation of the Powers with whom we have these momentous discussions may have been materially changed by the events of the last ninety days. Will gentlemen undertake to say that motives which influenced the mind of a Bernstoff, ought to have no weight with us? Will they, under these circumstances, go into Committee, to grope in the dark, to catch at something, on a subject of which they know little—in relation to the events of which, they know less? No! This is not the moment to act. The Committee have declared that that moment has not arrived. They have, in their capacity of a House, refused to discharge them from the resolution of the gentleman from Pennsylvania, and have, in the same capacity, refused to act upon it. And what does this prove, but that the moment for action has not come—unless, indeed, this venerable Assembly will condescend to become the wet nurse of the bantling of the two gentlemen from Pennsylvania, who, provided they can maintain it at a distance, hope their indiscretion will be overlooked—a *faux pas*, which, if it can be kept in an obscure farm-house, may be smothered over? I, however, am not disposed to offer it the pap-spoon; still less am I disposed to be disturbed by its cries, or those of its brethren.

It must be obvious to you, Mr. Chairman, that this is not the fit time to decide on our British relations. That, while there is a pending negotiation with her, all such discussion must be premature. These resolutions are the production of a political hot-bed. They are not the growth of a genial sun, but reared in a forcing-house. And I will tell gentlemen, that politics bear forcing as little as the physical productions of nature.

A gentleman from Massachusetts, whom I now see in his place, offered some days ago, to this Committee, a string of observations, which, he declared, were not intended either for a resolution not then before the Committee, or for that offered by the gentleman from Pennsylvania. Now, the Committee having determined not to discuss the resolution offered by the gentleman from Pennsylvania, and as those remarks were not offered on the subject then before the Committee, they may have been left to guess they were intended for the subject now under consideration; and as I believe they were full as applicable to this, as any other question, I hope to be indulged in making a few remarks relative to them. But, at the same time, I disclaim the preface that gentleman prefixed to his remarks, viz.: that he did not mean to examine the question before the Committee. I do mean to examine that question, to show why this is not the proper time for acting on this subject, to show that all discussion on it is premature, and, that we ought to abstain from acting upon it until we have heard from the other side of the Atlantic.

As well as I remember, the gentleman set out by recalling the attention of the House to the Message of the President, of the 17th of January last. Yes, sir, he began in the style of old times—*infandum renovare dolorem*—to call the House back to the Message of the 17th of January. To what part of it? To that part which is public, or to that part which is locked up in the escrutoire of the clerk—or is in his breeches pocket, for aught I know—that part which it is his business to keep from the eyes of the nation? Now, what is our situation? A brave Senator, with

our doors open, calls the attention of the House to an amphibious and ambiguous Message, part secret and part public. And is this the situation in which gentlemen would put us? Are we thus to be knocked down with the hammer of Executive infallibility? I hope not. When that Message came, on the 17th of January, how long had we been in conclave? I believe a fortnight? When did the despatches arrive? I undertake to say, because I know it, it was prior to the 20th of December, because I made proper inquiry at the office of the Secretary of State, where I had myself received despatches from London. What are the contents of those despatches? Did they advocate the course this House has pursued, or a course totally different? And yet that very Message has been quoted, under the idea that no man could say to the contrary, and that we would sink beneath the weight of its authority. Those despatches came to this country before the 20th day of December. On that day I returned from Baltimore, and received a communication from their author of a contemporaneous date. I have called at the office of the Secretary of State, and was informed, by the head of that Department, that they had both arrived at the same time. And it was when I discovered that the head of the second Department under the Government did not know they were in existence, much less that his opinion on them had not been consulted, that I declared, what I repeat, that there is no Cabinet. You have no Cabinet. What! the head of the Treasury Department—a vigorous and commanding statesman, a practical statesman, the benefit of whose wisdom and experience the nation fondly believes is always obtained before the great measures of the Government are taken—unacquainted with, and unconsulted on, important despatches, and yet talk of a Cabinet! Not merely unconsulted, but ignorant of the documents! Well, the act passed, and on the 16th of January, was sent to the other House, and on the 17th, despatches came which might have materially changed the decision of the House. And am I, feeling this, and knowing the House had been trifled with, to be denounced for telling you, if you had had the necessary information, your decision would have been different from what it was? I know this; for many gentlemen who voted for the measure adopted, told me their votes would have been different, had they had the necessary information. I say, the decision of the House, if we had known what we ought to have known, and which had been received four weeks before, would have been different; and I have no hesitation in saying, there is no Cabinet, when I see a man, second to none for vigorous understanding, and practical good sense, ousted from it. I say, as I have said before, if the Executive wants our confidence, let him give us his. But, when we are excluded from his confidence, let him not demand ours. I will not give mine on these terms, and I have no hesitation in saying so. Yes, sir, I now say, with open doors, what I said when your doors were shut, and what I believe, that it is not for the master and mate (and I speak it without disparagement to any man) in bad weather, to go below, and leave the management of the ship to the cook and cabin-boy. The nation expects to know, they believe they do know, the opinion of the Executive. But do they know it? Where have they got it? Does it appear in this string of resolutions? Have we the opinion of the President? Have we his Constitutional recommendation? No! you have nothing. Let the Clerk produce the budget! But, we shall be told that this House has a right to give a direction to the President. This is the last refinement on courtly flattery. Shall the House act on information neither official or Constitutional—on the stale pretext of giving the Executive a direction, when they believe they are acting on what gentlemen get up, and give us reason to believe are the secret wishes of the Executive? It is out of the question for any persons, who are men of standing, to condescend, under such circumstances, to do the work of the Cabinet or the water-closet. No! tools must be found; and to such tools, such work will be, as it has been uniformly committed. I do not only say they must be, but that they have been found. But, at the threshold of everything I can offer, I am met by these Nestors of the land, by these old coachmen, who love the smack of the whip, who talk of old times, of the stamp act, of the non-intercourse, and other Revolutionary acts. But, let me tell gentlemen, this is all violence and declamation. You would not suppose that the maxims of Chesterfield had been studied by the gentleman from Pennsylvania—and yet, the fact is, that manner is everything. But, I beg you to compare the matter I have offered, with the mild, meek, and peaceable sentiments of gentlemen. Because one gentleman has delivered his sentiments in a voice that freezes before it reaches this quarter of the House, and another mumbles out, "confiscate the national debt," does that affect the principle at issue? And because another man, with some warmth, recommends a different course, are you, therefore, to stone and crucify him?

The gentleman from Massachusetts, to whom I have alluded, has told us what the question between this country and Great Britain is. He says it does not respect enemy's property, but the colonial trade. He says that the tobacco and flour, the rice and cotton, transported by our vessels, come as much within the question *quo ad* enemy property, as the colonial trade. But is there any presumptive evidence that the rice, the cotton, the tobacco, or any other articles of American growth that are carried by our vessels, are enemy's property? There is none. Now take the other side of the question. Recollect that Holland, France, and Spain, have not a ship on the ocean; that the coffee, sugar, and cotton, of their colonies, which find their way to Europe, must go there under the cover of a neutral flag. What is the presumption? That a large part of those productions, thus transported, are relatively to Britain enemy property. How is a discrimination to be made between those products which are, and those which are not the property of an enemy? Is it not a fact that a few disreputable neighbors will bring a stigma on a

whole neighborhood? Will any man deny the fact? Are the French and Spanish colonies independent? And what is the fact? That under the neutral flag the whole of the immensely valuable productions of those colonies find a conveyance. What do we say? That we have a right to carry those productions from the colonies to the belligerent nations? No—we say, the bringing them to the United States and paying duties on them, neutralizes the property. But do they? Indisputedly not. The moment you concede the point that you cannot carry on a direct trade, it becomes a question no longer of principle—but a question on which you must treat on the ground of expediency. And you must treat—you will treat—relative to it. There is one consideration, which, whether it has or has not engaged the attention of gentlemen, ought not to be lost sight of, and that is, that our bulky productions can be carried by only two Powers in the world—by ourselves or Great Britain. No other nation possesses the tonnage. Go then into war with Great Britain, and where will you find the tonnage to carry your products? You cannot find it. But, on the other hand, the British fabrics may be brought in Danish bottoms. There will be neutral tonnage enough to bring to your doors the productions of Britain. But where will you find the neutral tonnage to carry your produce abroad?

We are told that this is not a war measure; that Grotius and Puffendorf, and other distinguished civilians, have decided that it is a pacific measure. But it unfortunately happens that great statesmen, on the theatre of active life, will not suffer themselves to be dictated to by the mumblers of antiquity; and gentlemen, who will not be governed by circumstances, who exclaim *fiat justitia ruat cœlum*, must be content with making diagrams in their closets, while these active statesmen are deciding the destiny of nations. They tell us they have Grotious and Puffendorf at their backs; but I would rather have at my back the *posse comitatus* of the ten miles square, weak and inefficient as I know it to be. Yes, it is too true, the gentlemen will not listen for a moment to circumstances. It is in vain that we say Great Britain is armed—that she has a fleet in the West Indies—that she has a ship over every square league in the ocean. They will not consider the propensity of an armed nation to strike. They will listen only to newspapers and pamphlets, and circular letters. Putting all these things out of consideration, they are for playing the part of Bobadil. They will not reflect that circumstances always govern political men—they persist in their abstract theories. These Laputian and Lilliputian politics will not do. What are gentlemen about? While they are disputing whether the egg shall be broken at the big or little end, and whether the Committee shall be discharged from the resolution in the House, or the House shall first go into committee, and the resolution be there discharged, they are pursuing measures which will be felt in Britain, and which will forcibly re-act on ourselves. The gentleman from Massachusetts (Mr. CROWNINSHIELD) has told us what he would, and what he would not do, if he was a citizen of the Republic of St. Marino. We would suppose from this declaration that he was an inhabitant of Blefusco, abut to carry on war with Lilliput. Such a man may be celebrated as a seamen, and may be able to make an able first Lord of the Admiralty over a fleet of privateers; but as a politician he is a Lilliputian delegate.

But we are told again, that this is a peace measure, and that we ourselves are the belligerent parties, who style it a war measure. One of the profoundest statesmen told Joseph the Second, one of your gimcrack men, that if he should attempt to force the navigation of the Scheldt, the fort would fire upon him. What said Joseph? I will not stoop to time and circumstances—he talked of natural rights, and go he would—the Dutch would never dare to fire. Compare the relative situation of the little Republic of Holland when her days of glory have passed away, when she has fallen into the hands of a conquerer—compare her present situation with that she enjoyed before the wings of her power were clipped by France. The Emperor Joseph sent out his fleets, and the only intelligence he received of their fate, was that the Dutch had fired. He deemed it impossible—he could not believe that the little Republic of Holland should fire on the Austrian Eagle. He thought as gentlemen think, and he was deceived; and you will be deceived too. For this commercial principle is not a principle of peace, but of war. Gentlemen may go to Carthage, if they please, stop at Genoa, and pass on to London, and they will invariably find it so; and they will find each of those nations commercial in proportion as they were warlike, and warlike in proportion as they were commercial. And why do commerce and war go hand in hand, but because commerce always disposes the nation to go to war, which is not disposed to give up a lucrative trade? The idea of the pacific tendency of commerce is a mere *ignis fatuus*. We find Holland ceased to be a great commercial Power, when she ceased to be able to fight the combined fleets of France and England.

But I shall be told, whithersoever it may lead us, this spirit of commercial monopoly ought never to be extinguished—I shall be told it is a base principle to crouch even in necessity; that we ought to set not only reason and common sense at defiance, but likewise necessity, which knows no law, but prescribes law to all. Well, I am free to confess, if this assertion is not beyond my comprehension, I have for the first time in my life found the reason of the planter's servant, who, on being asked what was the matter with his horse, said he was ashamed because he was dead. The poor animal had ingloriously crouched to the base principle of necessity, and had given up the ghost, when he ought to have kept the field. And this is what we are called upon to do by gentlemen who will not acknowledge the law of necessity, and who scout it as a principle which it does not become us to act upon. If these notions are to prevail, let us take Don Quixotte as our first minister of State, and Sancho Panza as the second in command. These are the natural hands to hold the reins of Government, in case all regard to the principle of

necessity is disclaimed. I hope gentlemen, who hold this doctine, never mean to die, to sleep, or to weep at the distresses of their fellow men, or in any other respect acknowledge the base principle of necessity. But I, who profess to yield a compliance not only to the laws of necessity, but of probabilities, and who consider politics as only a science of probabilities, can no longer find a medium between myself and those who disclaim all regard to the laws of necessity, and am obliged to confess that I am among the number of those who would negotiate with Great Britain.

I am perfectly aware of the tedious time the Committee must have had in listening to my remarks—not more so, I assure you, to them than to myself. I am aware of the arguments offered directly out of doors, and indirectly in this House, against the course which I believe it is for the interest of this nation to pursue. One of the first causes of surprise which presented itself to me on coming to the seat of Government was, that, while the people of the United States thought all eyes were fixed on the shores of the Atlantic, all eyes were in fact fixed on the half-way house between this and Georgetown—that the question was not what we should do with France, or Spain, or England, but who should be the next President. And at this moment, every motion that is made—I do not mean, in the parliamentary sense of the word, at this place—is made with a view to the occupation of that House. And it is for this reason that certain men are to be put down, and certain men are to be put up. As I have said before, I have conceived it the greatest happiness attendant on the Government of this people, that all their political relations, the different parties and their connexions and bearings and effects, could be debated in the face of the nation. Now, we are told from good authority, that there is a certain party called the Federal party, and that there are other parties in the United States, called Republican parties. Well, sir; certain gentlemen have been held up as willing to court the attention and support of the Federal party—men by whom no villain has been spared, let him belong to what party he may—men by whom no villany has been spared, to whatever party it may have attached. So much for Federalism. There is another question relative to what is generally called *quiddism*. I am willing to meet gentlemen on that ground. If we belong to the third party, be it so. I am willing to meet them on other ground.

[There was here a loud call to order, in which Mr. THOMAS joined. The SPEAKER decided that Mr. RANDOLPH was in order. An appeal was taken to the House, who confirmed his decision.]

Mr. RANDOLPH proceeded. I am obliged to the gentleman for the respite he has given me, as I really felt much exhausted. I knew where the shoe pinched. I will take gentlemen on another principle—on the principle of Burrism, as it is called. Will gentlemen attack us on that ground? Will they say we are the rotten part of the Republican party—the go-between of any sects—the solicitors of any office—the tools of any faction? Now, sir, on the subject of Federalism—I mean no imputation to any man or party of men—are we the advocates of Federalism? Does the Administration, and especially the Department of the Navy, or does it not, administer the Government on the principle of Federalism? Has that Department ever been administered, or can it be administered on principles more Federal? There is another department—the Post Office Department—the sweetest engine ever put into the hands of an unprincipled man. Are we for administering the Government on principles of Burrism? This is a delicate subject—I speak with a full consciousness that it is. Now for the last *ism*, *Yazooism*. Are we Yazoo men? Have our enemies ever charged us with this?

[Mr. RANDOLPH here made an allusion, which from the noise in the House was not heard, to a misconception by Messrs. SUMTER and MARION of a previous remark made by him relative to militia generals—and then asked—Is there a man that would disdain to sit aside of such men? The allusion I made was fully understood; but those, whom it fitted, were willing to shift it from their own shoulders on those, whom it did not fit.]

I am really sorry, Mr. Speaker, for the time I have occupied. When I came into the House yesterday, it appeared to me as if the proposition before us was to appoint a board of commissioners to settle the account current of every member with the House. We heard a great deal of palaver and blarney; but of that description which can never take me in. I abjure it. I raise my hand against it—I will never become its dupe. I am willing to allow that in the heat of debate, expressions improper for me to use, but not improper in their application to those to whom they referred, may have escaped me—the *verba ardentia* of an honest mind. I scorn to retract them. They were made in the presence of the nation, and in their presence I will defend them. I will never snivel, whatever may be the result. I have moved that the Committee rise, with a perfect knowledge of the existing circumstances. I knew the moment we adjourned over on Saturday, that the old story would be repeated, that gentlemen would seek the Lord—agree upon some given principle, that all might go together. And I have not been disappointed. But it is for you to say, whether at this moment, when you are watching your daily and nightly mails for news from Europe, when you are oscillating between Bonaparte and the coalition—you are prepared to decide ultimately on this subject. I feel for one that I am not. As to the accusation of being the apologist of Britain, it is the idlest charge that ever was made. When I first took a seat in this House I was denounced with being a French partisan, because I opposed those men who then held the reins of Government in their hands in their measures for carrying us into war with that nation; and now that I am for pursuing the same course towards Great Britain, which I was then in favor of pursuing towards France, I am charged with being the apologist of Britain. To this denunciation I am willing to submit, which all men must submit to who are not willing to risk the peace of their country.

Mr. NICHOLSON.—I second the motion, on a principle which has governed me ever since the beginning of this session. This subject was early referred to a select committee on a motion offered by myself, with a view that the fullest light might be thrown on the subject of our differences with Great Britain, and because I believe it so intimately connected with the revenue and prosperity of the nation, it was that I wished it to be examined by a committee whose peculiar province it is to pay a particular attention to the fiscal affairs of the Government. I had another object in view, which was that the subject might not be hurried. I was of opinion that our differences with Britain ought not to be speedily acted upon; but after the subject had rested for some time with the Committee of Ways and Means, they were, on the motion of some gentlemen when I was absent, discharged from its further consideration. On my way to this place, after an absence for which leave had been granted, I met with a proposition to prohibit the importation of all goods from Britain. I was never so struck with astonishment in my life. If I had heard that the Capitol had tumbled into ruins, I should not have been so much astonished.

This proposition produced several others, one of which I had the honor to submit. As I have before said, I submitted this proposition to meet that of the gentleman from Pennsylvania, that the House and people of this country might take into view its whole course and bearing; and that they might see the manner in which the revenue was likely to be affected by it. I am happy it has produced this effect. Gentlemen after debating this proposition are willing on all hands now to lay it aside. When I understood it was to be called up, I begged the gentleman from Pennsylvania to let it lie—I was anxious to postpone it as long as possible. I was of opinion that our better course was to rise, if we were to meet only four months hence. It is on the same principle that I now advocate the rising of the Committee, and should we now rise, I trust it will not be considered for a long time. I have been uniformly of the opinion, that if we take measures with Britain, it ought to be the last act of the session. I think we ought to wait for news from Europe. We have had information, though in some measure of a private nature, affording us reason to hope that there will be no occasion to proceed to extremities. Knowing this, and that our affairs are in the hands of a man of eminent talents, second to none in this country, I cannot believe there is any necessity to act as speedily as some gentlemen wish to do on this subject. In offering these observations, I mean not to be understood as abandoning the proposition I have had the honor to submit. In my judgment it is the best of those offered. If we do anything I think we had best adopt it, but I do not think we are yet prepared to act on it. We have at least six weeks yet to sit, for if we adjourn before the first of May, it will be the shortest first session under the Government. Why then this hurry—when there is a negotiation depending, and when information may be received within ten days, which may entirely change our course? It is for these reasons that I am for the Committee rising; because I believe that the late events in Europe will have such an effect on Britain, as to put it in the power of our Minister to settle our affairs with her amicably; and if so, I shall be very happy. I was so far from being impressed with the opinion that we ought to act speedily on this subject, that I was prepared to fill the blank in the resolution so as to prevent it from taking effect before the first of January. I flatter myself the Committee will rise, and that we shall refuse to take up the subject for some time.

Mr. ALSTON.—I cannot see what we are to get by the Committee rising. If I entertained the same ideas with the gentleman from Maryland, I should be for a course directly the reverse of that which he recommends. He says we have an important negotiation depending, and that we may daily expect to hear from our Minister on that subject. If there is a probability of a successful termination of the negotiation, can the measures we now take have any bearing upon it? The gentleman says he is prepared to fill up the blank with the first of January. What effect will this have? If the negotiation be depending, it will show our Minister and the British Administration the voice of the nation. It is no matter then how soon we take our measures—the sooner the better. I have no idea the negotiation has terminated at this moment, or will terminate until we have taken our measures. I hope, therefore, the Committee will not rise, but that we shall take up the motion of the gentleman from Maryland, to which I shall give my most hearty approbation.

Mr. J. CLAY then withdrew his motion, observing that he was not anxious that the resolution he had offered should be acted on immediately.

Mr. ALSTON renewed the motion for taking into consideration the proposition of Mr. NICHOLSON, prohibiting, after a particular time, the importation of certain specified articles from Great Britain.

Mr. J. RANDOLPH again moved that the Committe should rise. Motion lost—yeas 58, nays 62.

The question was put on Mr. ALSTON's motion, and the Committee, without a division, agreed to take up the proposition submitted by Mr. NICHOLSON.

FRIDAY, March 14.

A petition of Robert Peters and others, proprietors of squares and lots in the City of Washington, in the District of Columbia, was presented to the House and read, praying that an act may be passed to authorize the recording, in the Surveyor's office of the city, of all divisions of squares into lots, or subdivisions of lots already laid off; and that a certified transcript thereof may be admitted as evidence, in the courts of the United States, or elsewhere.—Referred to Mr. DAWSON, Mr. MAGRUDER, and Mr. VAN RENSSELAER.

A petition of Bushrod Washington and Lawrence Lewis, of the State of Virginia, acting ex-

ecutors of the will of General George Washington, in behalf of themselves and the other devisees under the said will, was presented to the House and read, praying that an act may pass for the purpose of confirming the title of the said executors to certain lands on the northwest side of the river Ohio, on or near the Little Miama, granted to their testator, in the year one thousand seven hundred and ninety, by the said State of Virginia, and which are found to be within the territory ceded by the said State to the United States.—Referred to the Committee on the Public Lands.

The House proceeded to consider a motion made yesterday, in the words following, to wit: "That Major General Arthur St. Clair be heard at the bar of the House in support of his claim:"

Resolved, That this House doth agree to the same, and that Monday next, at twelve o'clock, be assigned for that purpose.

The House proceeded to consider a resolution of the Senate, of yesterday, for the appointment of a joint committee of the two Houses, to consider and report what business is necessary to be done by Congress, the present session: Whereupon,

Resolved, That this House doth agree to the said resolution, and that Mr. EARLY, Mr. JOHN RANDOLPH, Mr. GREGG, Mr. JOHN C. SMITH, and Mr. CROWNINSHIELD, be appointed a committee, on the part of this House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of Peter Landais," with an amendment; to which they desire the concurrence of this House.

IMPORTATIONS FROM GREAT BRITAIN.

Mr. ALSTON called for the order of the day, for the House to resolve itself into a Committee of the Whole on the state of the Union.

Mr. CLARK moved to postpone this order till Monday.

The SPEAKER declared it out of order to postpone such an order of the day.

The question of going into a Committee was then put and carried—yeas 70.

The Committee having agreed to take up the resolution submitted by Mr. NICHOLSON—

Mr. MUMFORD said: Mr. Chairman, it is with great diffidence I rise to speak on this question. I am a merchant, unaccustomed to speak in a public body. But, sir, when I see the dearest interests of my country unjustly attacked by a foreign nation, I must beg the indulgence of this Committee while I express my sentiments on the serious aspect of our foreign relations. Sir, I do not wish to extenuate the conduct of any nation. I have no predilection for one foreign nation more than another. I shall endeavor to speak the language of an independent American.

Sir, I had indulged the hope that the ninth Congress of the United States had assembled to deliberate on the momentous affairs of their country as Americans; but, sir, it gives me pain, and I regret extremely, to see gentlemen so far forget the interest of their own country in defending the pretended rights of others. That there should be a difference of opinion respecting our own regulations, was to be expected, but when your lawful commerce is attacked by what the honorable gentleman from Virginia so emphatically terms "the Leviathan of the Ocean," and attacked, too, contrary to their own acknowledged principles, as laid down in the correspondence between your late worthy Minister, Mr. King, and the British Minister, Lord Hawkesbury, I beg leave to call on the Clerk to read that part of the Boston memorial which relates to that correspondence. [The Clerk read the article.*]

* "In 1801, in consequence of a decree of the Vice Admiralty Court at Nassau, condemning the cargo of an American vessel going from the United States to a port in the Spanish colonies, with a cargo consisting of articles the growth of old Spain, our highly respectable and able Minister at the Court of London immediately addressed Lord Hawkesbury, His Majesty's Secretary for Foreign Affairs, and remonstrated in a respectful, but firm and dignified manner, against this infringement and violation of the rights of neutrals.

"The remonstrance met that prompt attention from the British Government which its merits demanded; the subject was referred to the consideration of the Advocate General, who reported that the sentence of the Vice Admiralty Court at Nassau was founded in error; that it was now (1801) distinctly understood, and had been repeatedly so decided by the High Court of Appeals, that the produce of the colonies of the enemy may be imported by a neutral into his own country, and may be re-exported from thence even to the mother country of such colony; and in like manner, the produce and manufactures of the mother country may, in this circuitous route, legally find their way to the colonies; that a direct trade had not been recognised as legal, and the decision of what was, or was not a direct trade, was a question of some difficulty, and that the High Court of Admiralty had expressly decided, and the Advocate General saw no reason to expect the Court of Appeals would vary the rule, that landing the goods, and paying the duties in the neutral country breaks the continuity of the voyage, and is such an importation as legalizes the trade, although the goods be reshipped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale to the mother country.

"The report of the Advocate General was accepted by the British Government, immediately transmitted by Lord Hawkesbury to Mr. King, and by His Majesty's express command, communicated by the Duke of Portland, the principal Secretary of State, to the Lords Commissioners of the Admiralty, with the information that it was His Majesty's pleasure that the doctrine laid down in the Advocate General's report should be immediately made known to the several judges of the Vice Admiralty Courts, setting forth to them what is held to be law upon the subject by the superior tribunals, for their future guidance and direction.

"Thus are obtained so recently as within five years the deliberate opinions, on the subject under discussion, of the most eminent English civilians, and of the High Court of Admiralty, corroborated (if one of the first law officers of the Crown may be credited) by the repeated decisions of the same court of appeals which, by its late and contradictory decree in the case

This is no fiction, sir; it is a mere matter of fact. After all this I must confess I am astonished to find gentlemen in an American Congress palliating the impressment of our seamen, and the indiscriminate condemnation of our vessels and cargoes. Are we prepared to present an humble address to his most gracious Majesty on the throne, praying he would vouchsafe to take us in his holy keeping, pardon our former transgressions, and accept of us as liege subjects who have erred from the right way? No, sir. We are not colonists; we are an independent nation. Your acts and laws speak of thirty years of independence. I wish we could conquer our prejudices as easily as we did our enemies. Shall we never get rid of the idea of colonists and dependents on Great Britain?

I shall now commence my observations on our unfortunate fellow-citizens in British bondage; and in answer to the honorable gentleman from Maryland, whom I very much respect, I do frankly acknowledge that amongst all the petitions presented to you by the merchants of the United States, there is not one word about our impressed seamen, Salem and another port excepted. But, sir, I beg leave to inform this Committee, and that honorable gentleman, that before we enter our vessels at the custom-house, we are called upon to witness the recording of this tale of human wo before a notary public, stating all the seamen impressed during the voyage. This is immediately transmitted to the Secretary of State, for the correctness of which I refer you to the documeuts from that department now on your table. Sir, is it decorous, is it candid, is it liberal, is it respectful to the Committee to impute such unworthy motives to the merchants as we have heard expressed on this floor? They are men, sir; and I believe candor will allow them their share of sensibility, and that they sympathize for suffering humanity as much as a planter, a farmer, a lawyer, or any class of the community. Sir, I feel as much as any man for the sufferings of this meritorious class of citizens, having been an eyewitness to the barbarous treatment inflicted by the officers of the British Government on one of them. He was lashed to a scaffold on the gunwale of a boat, and whipped from ship to ship, until he had received five hundred lashes. What was the consequence? He expired the next morning. What was his crime? He had been impressed into their cruel bondage, and had endeavored to regain his liberty! We are asked, what is the remedy for this outrage? There is but one, sir. Demand satisfaction for the past, and in future make your flag protect your citizens, at least on the high seas, the common high road of all nations. Your merchants can insure their property against this "Leviathan of the Ocean;" but there is no alternative for the poor sailor, he is inevitably doomed to cruel slavery.

I now come to speak of foreign nations. We are told that the American merchants cover Spanish property. This may be the case. I believe it; but it is to a very limited amount. The Spanish merchants have little capital at present to dispose of. Their Government owes them considerable sums of money, and the paper currency of that Government is at such a discount (I believe from 40 to 50 per cent.) that they are not able to extend their commerce, if they were ever so much disposed to do so.

Respecting the French merchants, a great proportion of them in France are bankrupts, in consequence of heavy taxes, contributions, forced loans, and all the impositions of imperial ingenuity. That country depends not on commerce for her revenue; she collects one hundred and twenty millions of dollars per annum, of which twelve millions only are levied upon commerce, being but ten per cent. on the whole revenue. Their merchants have it not in their power to extend their business for want of a capital, which is a fact that will be acknowledged by all commercial men. They are by no means the favorites of the Emperor; he grants them no indulgences, of which the late transactions at the national bank are a sufficient evidence.

Respecting Holland, every person conversant in business knows the cautious calculation of the Dutch merchants; they trade very little on their own account in time of war, but are constantly soliciting the American merchants to make consignments of property to sell on commission. And yet we are told in that oracle, the celebrated pamphlet, "War in Disguise," that France, Spain, and Holland, carry on the war against Great Britain with property covered by Americans! Will any rational man believe them?

I now come to Great Britain, sir; not one word has been said about property covered for

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of the Essex, Orne, has caused so disastrous an arrestation and condemnation of American property.

"Judgment thus perspicuously stated and enforced by this high authority, it was fair to consider as intended for a beacon to the channel through which neutral commerce might be prosecuted with security. It is hoped the event will not prove they were a mere *ignis fatuus* to ensnare the innocent and unsuspicious.

"At any rate, whether the doctrine were sound or not, or whether it injured Great Britain or not, it cannot become the integrity and magnanimity of a great and powerful nation at once, and without notice, to reverse her rule of conduct towards other States, and to prey upon the unprotected property of a friendly Power, the extension of whose commerce had been invited by the formal avowal of her intentions, and prosecuted under a reliance on her good faith, and from the confidence reposed that her courts, uniform in their principles, would never be influenced by the time-serving politics of the moment.

"But whatever may have been the motives for the proceedings on the part of Great Britain, the effect is notorious. From her recent conduct great losses have been sustained; our commerce has been checked and embarrassed, and large quantities of produce are now remaining locked up in this country which were purchased for foreign markets, because our merchants cannot send it abroad without taking risks on themselves which prudence would not justify, or without paying such rates for insurance as the trade of the country cannot afford."

her. She is immaculate; she is innocent; she can do no wrong. I have good authority for this last expression. The King says so, and others repeat it. Sir, immediately upon the coalition being formed on the continent of Europe, she seized upon your unsuspecting commerce, and surprised it with new principles and new doctrines in her Courts of Admiralty, which operated with her ships of war in the same manner as though they had actually received orders from the Lords of the Admiralty (how insidious! but they understand *decoy*) to capture and bring in all American vessels bound to enemy's ports; and if by chance any of them escape their fangs, after a mock trial, they are compelled to pay enormous charges, from five hundred to six hundred guineas, and sometimes more. This operates as a premium to carry in all your vessels, knowing beforehand they will have nothing to pay; for, although you gain your cause, you must pay the costs. This, sir, discourages your cautious and best merchants, and they are thus compelled to abandon and decline pursuing a lucrative and lawful traffic.

If there be any property covered for Great Britain, I have every reason to believe, from facts I will state to the committee, that it appertains almost exclusively to some British merchants lately adopted citizens of the United States, for they take good care to keep all their business in their own hands. They are the honest merchants who own the honest vessels we have heard so much about, and they are engaged in exporting cotton, tobacco, and other produce of our country. Why should they have the preference? it will be asked. I will not tell you what I do not know, (as has been said in this Committee,) but I will tell you what I do know. Sir, the real American merchants cannot enter into competition with them. They have their particular friends in England, who are interested, and will of course give them the preference. By a variety of ways they obtain all the freights, to the exclusion of your vessels. Sir, we are often compelled to take in ballast along side of those very ships who have full freights engaged. Thus, sir, the real American merchant is the dupe of these honest adopted British citizens. These are your slippery-eel merchants, so justly denominated by the honorable gentleman from Virginia, whose acme of mind I much admire. They were indeed, sir, so slippery in some of your districts, that it was found necessary to pass a law excluding all of them who resided in foreign countries from owning any ship or vessel belonging to the United States; for a number of them, after having made fortunes out of your neutrality, had slipped off to Great Britain to spend the money and the remainder of their days. And in order that we might not compromit our neutrality in this deceptive business, our National Legislature has been careful to pass a law in the first session of the eighth Congress, dated 27th March, 1804, to correct the abuse, which has in some measure put a check to it; and yet we are emphatically told it is only coffee, sugar, and East India goods that are guilty of the sin of interfering with British merchants, those monopolizers of the commerce of the whole world.

I mention these facts, sir, to vindicate the character of the real American merchants; it will stand the test with that of any other nation in the world. Sir, look at your revenue system, examine all the records of your district courts, see how very few fines and forfeitures they have incurred, and then compare them with any class of citizens you please, and you will, I am confident, Mr. Chairman, exculpate them from such disingenuous reflections as have been animadverted upon in this Committee. Sir, they make it a point of honor to discourage smuggling, knowing the whole revenue of their country to depend upon that fidelity which they have never ceased to inculcate. I cannot but persuade myself that, on mature reflection, gentlemen will not withhold from that class of the community the protection guarantied to them by the constitution of their country. It is a fact well known to this Committee that the Federal Constitution, under which we now hold our seats in this House, grew out of the great inconveniences we then experienced in our commercial affairs with foreign nations. Surely they are not outlawed. I trust not sir. I hope better treatment from the hands of my country.

I now come to the true history and the cause of the aggressions of Great Britain. It is very difficult to trace her in all her ramifications of fraud on your neutrality and of injustice on your commerce. Sir, when the present continental coalition was concluded, the "lords of the ocean" with that colossus the East India Company, the merchants trading from London to the continent of Europe, the West India merchants, and some of our honest adopted citizens from Great Britain, all agreed with common consent to be in the fashion; and they formed a coalition against your commerce, and ordered a book to be written, in which they took a conspicuous part, called "War in Disguise." This was truly on their part *war in disguise*, and the first act of hostility they commenced upon your unsuspecting commerce; and I hope they may ultimately meet the fate of all other coalitions, at least as far as respects our country. They had ordered, as all coalitions do, a large supply of ammunition; one hundred thousand copies of this instrument of death to your commerce were distributed, at sixpence each, to all parts of the British dominions, in order that your property might be plundered for the use of the naval commanders, who could no longer find any other property on the ocean. This book says, "they must retire on a handsome competency at the close of the war," no matter from whom it is taken.

Next comes the East India Company, that colossus of mercantile avarice, whose monopoly draws into its vortex all the demand for East India produce in Europe. Your lawful commerce to those markets interfered with them, and was considered incompatible with this monopoly and must be doomed to destruction.

Next come the merchants trading from London to the continent of Europe. They attend the public auctions, purchase your condemned vessels

and their cargoes, procure a license from their Government, and send the same cargo on their own account to the very market your own citizens intended it for.

I now come to some of those honest adopted British merchants; and in order to elucidate that subject, I will beg leave to read a copy of a letter from one of the first houses of respectability in London, said to be in the confidence of the Minister:

"This Government has granted licenses to neutral vessels, who take in a proportion of their cargoes in Great Britain, to proceed to the Spanish colonies to the south of the line, provided the returned cargoes are to be brought to this country; and I have now several expeditions of this nature under my direction for the account of houses on the continent, who prefer subjecting themselves to the conditions Ministers have imposed for the toleration of that trade, to the risk of detention and its consequences even in the event of restitution."

This is no fiction, sir, it is a fact. It cuts your commerce like a two-edged sword, involves your neutrality, and prevents your own merchants from going to the same market, the profit on which ultimately centres in Great Britain. There are at this moment British agents in two of your commercial cities, and I suppose more in other parts of the United States as well as in Europe, for they swarm on the industry of all nations. They are acting in concert to carry on this licensed trade with the Spanish colonies, their enemies jeopardizing your neutrality, to the manifest injury of the real American merchants. This is a very valuable branch of commerce, as you may readily suppose from the price that sagacious calculating nation sets upon it. What is the result of all this? Why, sir, if it were not for the interference of this very Government, so much extolled at the expense of your own, we should enjoy the benefit ourselves. They themselves license vessels to carry on a commerce, which if pursued by your citizens, without their permission, is sure to be plundered, Thus, sir, that Government assails your commerce at home, and condemns it abroad, on the most vexatious and unwarrantable pretensions.

Sir, I beg leave to call the attention of the Committee to an important fact. Examine your treaty with Spain, your treaty with France, your treaty with Holland, your treaties with some of the Northern Powers, what do they say? "Free ships make free goods." What does Great Britain say? "You shall give up the goods of my enemies," and you accede to it. Is this reciprocal? Is it just? Is it not a humiliating concession? Is this cause of war? What says that oracle, that celebrated pamphlet, on this occasion? Not a word, sir; it is as silent as the grave. Who now has the greatest cause of complaint, Great Britain or her enemies? Her motto is "Universal domination over the seas"—the common highway of all nations—and, unless you assert your rights, you will be swept into the general vortex. We are told that this is a war measure. If it be true, and commercial regulations are of that nature, we are at war with Great Britain at this very moment, for she imposes four per cent. on her exports to our country. You cannot impose any on your exports to that country; it is unconstitutional.

In the course of debate on this subject, the honorable gentleman from Virginia observed: "Is 'there a man so credulous as to believe that we 'possess a capital not only equal to what may be 'called our own proper trade, but large enough 'to transmit to the respective parent States the 'vast, wealthy products of the French, Spanish, 'and Dutch colonies?" I will not pretend to say how much of this wealth we do carry in our own vessels. I am sure we do not transport the whole of it; but the following statement of the capital employed in the carrying trade, (so called,) will show that we have sufficient funds to load our own vessels, and that it is worth our while to give it protection:

Agreeably to the Secretary of the Treasury's report, it appears we had the last year, 672,000 tons of shipping employed in foreign commerce, the net revenue of which has been called the carrying trade	$850,000
Deduct, to make it average with the tonnage of the last thirteen years of neutrality -	105,000
	745,000

Five hundred and fifty thousand tons of American shipping have been employed in foreign commerce, per Treasury reports, will average for the last thirteen years neutrality, calculating at the low estimation of one voyage per annum (some vessels make two voyages, and others are lost,) it will leave an average of fourteen dollars per ton net gain to the United States for each year, is - - $7,700,000

Freight to Europe, average - - - - -	22
East Indies, do - - - - -	50
West Indies, do - - - - -	15
	87
Deduct wages, provisions, commissions, insurance, &c. - - - - - - - - -	45
Average per ton - - - - - - -	42

Calculating thirteen years of neutrality, from February, 1793, to February, 1806, on 550,000 tons, the average, as above stated, makes $8,445,000 per annum, gained in the carrying trade. It must be understood that the freight is calculated on the produce of our own soil, as well as the foreign produce carried in our vessels. No reference to profit is made; it is uncertain, but may be presumed to be at least as much as the freight - - - $104,445,000

Add to this, about the actual capital of all the banks in the United States -	35,000,000
To this must be added fifty per cent., as most of the banks divide from eight to nine per cent. per annum; and as they are only allowed six per cent. per annum on the capital, they must of course loan out this amount to the merchants and others, which answers all the purposes of money - - - - -	17,500,000
Total - - - - - - -	156,945,000

Is not this sufficient capital to export the produce of our own soil, and import that of other nations, at least so far as our tonnage extends? There may be some inaccuracies in the above statements, but I believe they are substantially correct.

That celebrated book, "War in Disguise"—the oracle of some gentlemen—asserts that we do not use sugar in this country. How far that is true, I will leave the Committee to decide. I believe when the premises are found to be false, we may conclude that very little reliance can be placed on the other assertions. I believe, sir, that this book was designed to operate a double purpose; first, to attack your commerce with one hand, and with the other throw the firebrand between your agricultural and commercial interests.

Gentlemen may talk about a foreign Government fighting for its very existence. I believe it; but, sir, I entreat them to look at home. See what this book and the emissaries of that nation aim to accomplish. Beware of them! I believe it is a deadly blow aimed at your own existence by promoting discord and dissensions among the clashing interests of your extensive country, the issue of which no human foresight can predict.

After all this, shall we not relieve our citizens who are held in slavery? Shall we let commerce protect itself? Shall we do nothing? Yes, sir, we will demand satisfaction. The love of country is not yet extinguished in the breast of Americans. No, sir, it is their birthright; it is inherent in their very nature.

We have heard a great deal about neutral rights among nations. There is no such thing at this day. Sir, I consider them all alike. Power is right. The following will show it:

The ship Little Cornelia, belonging to the district which I have the honor to represent, was taken and carried into Great Britain. The captain informed his owner she was likely to be condemned. The news of the capitulation of Ulm arrives; the decree of the Court of Admiralty is suspended. A few days afterwards Lord Nelson's victory is announced; and, when the court met, she was condemned, vessel and cargo. You can no more depend upon the doctrines of her Courts of Admiralty than you can upon her Ministry. Witness the correspondence between your late Minister, Mr. King, and Lord Hawkesbury. Sir, there is a kind of legerdemain in all this business to filch you of your property. Sir William Scott, whose private character (out of office) is very much respected, is, if I am correctly informed, one of the Privy Council; and it is there, sir, that your neutral rights are arbitrated, according to the favorable or adverse news they may have received.

Sir, I will not pledge myself for this gentleman's or that gentleman's resolution; but, sir, I will agree to adopt such strong measures as shall command redress. I will not tamely submit to such lawless aggressions. No, sir, I will not. We are not sent here to legislate for any particular section of our country; we are sent to promote the general welfare. I hope, and do repose that confidence in this honorable body, that we shall unite in one common cause, and rally round our Constitution; give protection to the North, to the South, to the East, and to the West; and, as the storm threatens, place full powers in the hands of our political captain to guide the ship, weather out the storm, and conduct the bark to her desired haven.

Mr. CHANDLER.—Mr. Chairman, unaccustomed as I am to public speaking, it is with extreme diffidence that I rise to make a few observations on the measures now under consideration; but the subject is so important that I am unwilling to give a silent vote.

It appears to be acknowledged by all the gentlemen who have spoken before me, that we have just cause of complaint against Great Britain; that she has impressed our seamen and compelled them to serve on board her ships of war, to the number of several thousand; that she holds them in the most degrading servitude, and compels them to fight her battles against a nation with whom we are at peace, and that she has seized and condemned, contrary to the laws of nations, and usage, our ships and property to a very large amount. This fact, Mr. Chairman, is so evident and notorious, that it would be trifling with the time of this Committee, were I to attempt to introduce new evidence to prove it.

This point being conceded, it then remains to be determined whether we will tamely submit to these wanton aggressions upon our rights as an independent and a neutral nation, or have recourse to measures of some kind calculated to obtain redress for the past, and security for the future. The first, Mr. Chairman, ought to be put out of the question. To submit, without opposition, to so wanton and so flagrant violation of our rights, would render us unworthy the name of Americans. For what did we contend with this same Great Britain in 1775 and the succeeding years? When we were few in numbers, and at first without arms, without ammunition, without money, or other established resources, and without allies? Sir, a Warren, a McClary, a Montgomery, a Mercer, and a host of heroes, fought, and bled, and died—for what? For the rights, the liberties, the freedom, and independence of our country. And shall we, Mr. Chairman, without one effort, surrender those dear-bought rights and privileges, the price of which was the best blood of our countrymen? No, sir, we shall not, we will not do it; our faces would be covered with shame, and disgrace as well as injury descend to our children. But, sir, this Committee will not consent to a surrender of those rights, which they are constituted to guard and protect. They will, I presume, at least a great majority of them, be disposed to take measures sufficiently strong to compel that haughty nation to do us justice.

I believe, Mr. Chairman, the only difference in opinion with most of us is, what measures will be most likely to have the desired effect, with the least injury to ourselves. For my own part I was in favor of the resolution laid on the table by the gentleman from Pennsylvania. I allude to

the one which has been several days under discussion. I was in favor of it, because I believe it would be the most effectual; and no man I think can doubt our right to adopt such a measure, it being only a commercial regulation, such as every independent nation may rightfully make whenever her interest or convenience require it. It would, in my opinion, be most likely to effect our object, because it would most deeply touch that tender point, their interest; and it is their interest which governs them. If we forsake their workshops and warehouses, it will materially affect their manufactures and trade. Indeed, to use the language of the gentleman from Pennsylvania, it will reach the vitals of her commerce; and if it were to go to the vitals of their nation, the fault is not ours; they are the aggressors, we act on the defensive only. If, sir, that nation has two million of people employed in the cloth manufacture alone, as was stated by a gentleman from Maryland, (which number, however, I think too large,) she must at least have four millions in the whole employed in manufactures of all kinds. We take from her of these manufactures to the amount of thirty millions annually—a market for which she cannot find elsewhere. Interdict the importation of her goods, and what is the consequence? She cannot pay, and therefore cannot employ her workmen. She will not find her account in manufacturing goods annually to the amount of thirty millions of dollars more than she can find a market for; therefore her workmen, at least one million of them, will be out of employment. How are they to subsist? How can they get their bread? Other means they have not; they cannot find any other occupation; and, if they could, they are not fitted for them. This derangement of business must be severely felt; their merchants and manufacturers will, I believe, be persuasive advocates for us. They will feel the evil, and will powerfully press the Government to do us justice. The Minister will be convinced of the danger. He will be careful not to suffer our custom to be diverted from England; for he knows if the channel of our trade is once turned, it will not easily, if ever, be restored. He will pause before he finally drives his best customer to the necessity of leaving him; for he cannot be ignorant that our trade, consisting of the exportation of raw materials, and the importation of wrought manufactures, will be courted by other nations, who will soon find it for their interest to accommodate us with a supply of our demands on satisfactory terms. I consider, Mr. Chairman, that our commerce is and will be so available to the nations of Europe, as to furnish us the means of commanding respect and procuring justice by commercial regulations. I have no fear that Great Britain will venture on a war with us; but if, from a predetermination to quarrel with us at all events, she should make a commercial regulation, or any other of our measures, a pretext for hostilities, notwithstanding all that has been said on the floor of this House by certain gentlemen, to disparage the troops or militia of our own country, and of our weakness, inferiority, and inability to defend ourselves, and to prove the invincible power of Great Britain, yet I trust she would still find us Americans.

Have gentlemen, who speak so degradingly of the American character, forgotten Bunker's Hill, Bennington, Bemen's Height, Saratoga, Eutaw Springs, King's Mountain, Yorktown, Tripoli, Derne, and many other places, which have witnessed the heroism of our citizen soldiers and seamen? If they have, Great Britain has not, nor has the American nation. Our country possesses ample means of defence, and will be found to have spirit enough to use them when necessity requires it.

Mr. Chairman, whatever measures we may adopt, I consider it of importance that we should enter upon them with a majority as nearly approaching to unanimity as possible, and, therefore, although I should prefer a total non-importation to this proposition for prohibiting certain enumerated articles of British manufactures, yet as the principle is the same, and the difference is only in the degree of its application, I am willing to meet other gentlemen on this middle ground. Perhaps this measure may prove efficacious; if so we shall be satisfied; if not, I presume the nation and Congress, at another session, will be prepared and determined to have recourse to such measures as the God of nature has placed within our power to protect our national rights. Under this impression I shall give my vote for the resolution, and wait the event.

Mr. J. RANDOLPH.—I should have been better pleased if the gentleman who has so eloquently painted the wrongs which we have received from Britain had, instead of telling us of the disease, pointed out the remedy. The gentleman a few days ago offered himself as a collateral security for the facts stated by the President and our illustrious Minister at the Court of London. Did the gentleman believe that what we could not take from them, we should accept from him? That our commerce has been pirated upon and our seamen impressed we all knew before. But where is the remedy? Gentlemen say they are for taking commanding ground, that will insure respect. Where is it? Let them give in their project. Is this the remedy, or is this the time? Gentlemen tell us we ought not to stop short of indemnity for the past and security for the future. Are they then for going to war with Britain on the same ground which Mr. Pitt took with the French Republic? Do they expect success in their project? And is peace to be destroyed, and the interests of this people compromitted, until what they please to call indemnity and security shall be obtained? Are they for going to war with Spain and France, and making a similar convention with them that we some time since made with Britain for spoliations committed on our commerce, and then by a kind of legerdemain draw from our own pockets wherewith to pay for those very spoliations? Is this the indemnity they expect to obtain? I want none of it. I almost dread to see a convention with any Power across the Atlantic, with a stipulation to pay money, as I fear its only tendency

would be to deprive us of that we have left. Make any sort of convention you please, and something will scarcely fail to fall out between the cup and the lip, by which you will have to pay the debts due to you by others. By some sort of legerdemain, the money of your bona fide citizens will get into the pockets of your diplomatists or their creatures on this and the other side of the water, into the hands of bureau men, of counting-house politicians. But I find gentlemen undertake to say, because I am indisposed to go to war, I am the advocate and apologist of Great Britain; and because I quote the able pamphleteer, who stands forth the godfather of the doctrines contained in it, I abjure them; and so far from costing me six cents, they cost me one hundred and fifty; and I consider that a better bargain than the other pamphlet, which did not cost me a sous. Am I to be considered as the apologist of Britain, because the defence of this country has been committed to weak advocates, or because its cause has been weakly defended or treacherously abandoned? No; I am the advocate of the circumstances of the times—of the Constitution of this people—of common sense—of expediency. What does the gentleman from New York tell you? I admire the resentment he feels for the wrongs committed on our country, and I entertain a respect for him. He tells you everything I have told you—that American merchants are employed in covering enemy's property. No, he draws a distinction between native and adopted merchants; and says that he considers the latter as the root of the evil. I agree that this trade is carried on by foreigners naturalized among us. But the gentleman says the other nations of Europe treat us on the principle that free ships make free goods; while Great Britain treats us on the opposite principle, and contends for the principle of contraband of war, and the liability of enemy's property to seizure. Why is there this difference? Because those who treat on the principle of the *mare liberum* find it their interest to treat on this principle. But do they who have the mastery of the ocean consider it as their interest? And yet the gentleman arraigns one country for being governed by her own interest, while he applauds another for being governed by the same feelings.

But the gentleman says the Federal Constitution grew out of commerce. Indeed! I have always understood it grew out of the feeble and lax state of our Federation. I have no doubt the regulation of commerce, and the hope of obtaining an adequate revenue, aided its formation. But will the gentleman undertake to say the Constitution was made to give us the mastery of the seas? If so, I will be glad to see how he makes it out. Will he say the finger of Heaven points to war?

The gentleman informs us that Great Britain lays an export duty. This is the best reason the gentleman could have urged against his own idea. It proves her conviction that no other nation can rival her in her manufactures. But it is said you cannot lay such a duty on your articles. Thank God, you cannot—may it always be so. In the first session in which I was in Congress, I heard a gentleman from Massachusetts, then in the Chair of this House, deplore our inability to carry on war measures with France, when, if we could only have laid a duty of one or two dollars a hogshead, on tobacco, we might have been enabled to carry them on. I said, then, I was glad we were prohibited from laying such a duty. I now say so. I think it the wisest provision in the Constitution. It was the opinion of the greatest man that ever lived, or ever will live, that the cause of the advantages of England over France in 1756, was, that France, instead of being satisfied with her superiority on the continent, by attempting to protect commerce and distant colonies, strove for the mastery of the sea. This infatuation carried her from her proper element, and enabled Great Britain to aggrandize herself on the ocean. The moment that France attempts to cope with Great Britain on the ocean, she lays bare the heel of Achilles, and exposes her most vulnerable point to her adversary; and this it was that, in the opinion of Chatham, turned the fate of that war so memorably conducted under his auspices. But it seems the late news from Europe is to have some effects on our discussions. On this news the fate of this nation is to be suspended. But, from its complexion, I draw a conclusion diametrically opposite from that inferred by gentlemen. I cannot help it. Gentlemen may call me a British partisan, as, when the doors were closed, they called me a Spanish partisan; or as, when I first came into public life, I was called a French partisan. Be it so. I cannot agree to take these measures for the defence of a trade which does not amount to more than eight per cent. upon our whole commerce. For such is the state of our tonnage, that the foreign tonnage does not exceed fourteen per cent. of the whole. What is our fair proportion? Fifty per cent. Instead of this, we have eighty-five per cent., and for the other fourteen. For this grasp-all, lose-all principle, the nation is now to be plunged into a war. I say I am unwilling to grasp at a shadow and lose the substance—to jeopardize the whole commerce of the United States in a vain attempt to engross the commerce of the world. But, whatever may be the decision of Congress in relation to this business, I hope to see one thing done before we rise: I hope to see the resolution which was under consideration yesterday acted on affirmatively or negatively, or withdrawn; and not for a light reason. It hangs as a dead weight on the price of every article of our produce. It has already depressed the prices of your rice, cotton, flour, and tobacco. And I am astonished to see measures permitted to be hung up *in terrorem* for no possible good purpose whatever.

The gentleman from New York has given us an animated picture of the despotism of the British on the ocean. Would that that despotism did not exist! But will the gentleman, supposing success on our part possible, say, that if we succeed in breaking down the tyranny of Great Britain on the ocean, another Power will not succeed to its mastery? No; its only effect will be, that the same Power which is now the tyrant of the

land, will be then also the tyrant of the ocean. It will be still her interest to drive us from the ocean; to vex and oppress our trade—there will be only a change of masters—with this difference, that there will remain no Power to balance that of our enemy. But gentlemen reiterate the question, Will you do nothing? I have always thought it better to remain idle than to do what would be worse than nothing. But I would take this course: I would remonstrate with Britain; I would tell her of the wrongs done to the American people; I would tell her how absurd it was for her, under existing circumstances, to compel us to throw our weight into the scale of her enemy; I would put this question home to her, Are you mad enough to increase the number of your enemies? Do you value public opinion as nothing? This is the language I would hold, and would treat with her on fair, on reciprocal principles; not on the principles of the Delphic oracle—a reciprocity to the ear, but not to the sense. But, truly, if gentlemen are for going to war, for enforcing a right bottomed on the principle that free ships make free goods, they may make war till there is not a British plank on the ocean; for they never will cede, they never ought to cede, this principle. I say they ought not, for I take it for granted that nation will be governed by Ministers of common sense; and no such Minister but must see a deathblow to British greatness in the establishment of it. Are you, therefore, the advocates of this nation, because you say they ought not to give up what they never will surrender—what they cannot give up without committing a *felo de se*? Yes, sir, I have said what I am willing to do. There is a pending negotiation; and the late events in Europe, while they will greatly facilitate that negotiation, make it your interest not to co-operate in putting down this people, unless you think it the safest for the world that the sceptre of the sea and the land should be in the same hands.

Mr. J. CLAY said he was sorry the Committee were determined to press this subject. He believed a delay of four or five days would be important; he therefore moved that the Committee should rise.

Mr. ALSTON said, it would certainly be unnecessary for the Committee to rise, with a view to decide upon the resolution offered by the gentleman from Pennsylvania, (Mr. GREGG.) The Committee having refused in the first instance to take up this resolution, and having acted upon that which had been submitted by the gentleman from Maryland, (Mr. NICHOLSON,) was a sufficient evidence of the sense of this House as to its final adoption or rejection. The newspapers emanating from this place to all parts of the United States would convey the sense of the House as fully upon the resolution as though a final vote should have been taken; and should the resolution offered by the gentleman from Maryland be now decided upon, and agreed to, every one would be satisfied that the one offered by the gentleman from Pennsylvania would not be adopted.

Mr. A. said it was time—high time—that this House had come to some determination upon this important subject. It was time that the public mind was put to rest. It was time that the American people were informed of the extent that we intended to go, and of the steps we intended to take towards Great Britain, in order to meet the aggressions committed by that Government upon the commerce of our country. He verily did believe the resolution submitted by the gentleman from Maryland, the merits of which it was in order upon the present motion to discuss, better calculated to have the desired effect upon that Government on whom it was intended to operate, than any other plan or project which had been submitted or talked of, inasmuch as it was only a commercial regulation or restriction acknowledged by all Governments in the world to be perfectly within the control of every independent nation. Some gentlemen had thought it not sufficiently strong—that something more efficient should be adopted. For his part, he did believe it much stronger, as to the effect it would have in bringing Great Britain to terms of amicable adjustment, than that which had been submitted by the gentleman from Pennsylvania, and which was now sleeping on the table. This, Mr. A. said, was that kind of commercial regulation that carried with it the appearance of a determination to persevere in it; and, in his humble opinion, it was well calculated to distress that nation who had so long persisted in a regular system of aggression towards us. On the contrary, that which had been submitted by the gentleman from Pennsylvania was such a one as Great Britain would plainly discover we ourselves did not mean to persevere in, because it would readily be seen, that, while it distressed her, it would be equally injurious to us. Another reason suggested itself why he would prefer the resolution now under discussion. It seemed to be understood, on all sides, let which should be adopted, or whatever course should be pursued, that no system was to go into operation immediately—that full time was to be given for an attempt at friendly negotiation. It was intended as an expression of public sentiment. It was, therefore, of great importance to this nation, that the sentiment expressed should be with as much unanimity as possible. It was evident to all that the resolution offered by the gentleman from Pennsylvania, from the violent opposition it had met with, could not, if carried at all, be carried by that majority that the one now under discussion could. If, therefore, he in the first instance had been in favor, he should, after the discussion which had already taken place, think himself, for the sake of harmony alone, perfectly justified in abandoning it. The resolution now under discussion, which was offered by the gentleman from Maryland, could not be objected to, as the other had been, on the ground of its being in any manner whatever calculated to produce war, if adopted in the full extent in which it was submitted. The object of the present resolution is a prohibition of certain articles, the growth and manufacture of Great Britain and her dependencies, from being imported into the United States; most of which articles, Mr. A. said, he was advised by those better ac-

quainted than himself with mercantile transactions, could be obtained from other countries; and those which could not be obtained, we could either do very well without, or raise within ourselves. What effect, then, would this measure have upon Great Britain? No person would deny that it would lessen in her own country the value of her manufactures. Whilst our citizens at home were perfectly content, the voice of the artisan, the manufacturer, and the laborer in Great Britain, would be raised against the aggressions committed by their own Government, which caused us, and in fact compelled us, in self-defence, to enter into the regulation proposed.

It has been said by the gentleman from Georgia, (Mr. EARLY,) and also the gentleman from Maryland (Mr. NICHOLSON,) that the agriculturist was not interested in the carrying trade. Although, Mr. ALSTON said, he knew very little about commercial matters, never having been concerned in mercantile transactions, yet he thought he could prove to the Committee, and to the world, that they were inseparably connected together, and the price which the agriculturist obtained for his produce greatly depended upon the encouragement and protection given by Government to this very carrying trade. Whether the produce raised by the constituents of the gentleman from Georgia and the gentleman from Maryland is carried first to the West Indies, and exchanged for articles the growth and manufacture of those islands, and then brought to this country and reshipped to European markets, he would not pretend to say; but this much he would say, and say it truly, that the greater part of the produce raised by his constituents first found a market in the West Indies, was there exchanged for the productions of those islands, and then carried to the mother countries; by which means the value was greatly enhanced. On the contrary, if this carrying trade shall not be protected, and this mode of exchange of produce is put an end to, what will become of the large quantity of corn and pork raised in this country, which finds a market nowhere else?—Everybody knows there is not specie in those islands sufficient to purchase it, and if exchanged for West India produce, our markets are already overstocked; no merchant will buy our produce, to exchange for an article that must rot in his warehouse. It must, therefore, evidently appear to everybody that unless our corn and our pork are exchanged for West India produce, and that produce permitted to be sent abroad to find a market, large quantities must and will be wasted in the barns and granaries of those who raise it.

It could not, therefore, Mr. A. said, be expected from him, to abandon to Great Britain the principle by her contended for, when the greater part of the produce raised by his constituents consisted in the articles of corn and pork. He believed he might say with safety, that no part of the United States, for the same extent of territory, raised an equal proportion of those two articles with that he had the honor of representing upon this floor. He thought it, therefore, clearly proved, that if produce of this country now carried to the West India islands was to be disposed of for nothing but specie, and for articles which were only to be consumed in the United States, that a great depression of the price of our produce must inevitably follow. On the contrary, by affording a proper and necessary protection to the carrying trade, our produce would be exchanged for that of others which finds a market in various parts of the world, where the enterprise of our countrymen carries it.

It had been stated that, notwithstanding any prohibitions or restrictions we may adopt, the manufactures of Great Britain will find their way into our country. This, for aught we know, might be the case, either by taking a circuitous route, or by being smuggled; and should that be the case the same thing would attend your produce, should its importation into Great Britain be prohibited. He could not see but that the account on that score would be fairly balanced.

Mr. A. said he did not think this measure, if adopted and persevered in, would have a material effect upon the revenue of our country. Gentlemen were alarmed lest that system, which had been in his opinion so wisely established by this Government for the extinguishment of the national debt, should be broken in upon, and consequently an increase of the national debt be the effect. If in his opinion this measure would endanger the system of extinguishing that debt, he would be one of the last men found in supporting it; and he believed, weak and delicate as his constitution appeared to be, that by a firm adherence to the system established, he should live to see the debt finally wiped away. The system for extingushing the national debt had, when adopted, his hearty assent, and it was with pleasure that he looked back to the vote he had given upon that occasion.

If gentlemen will give themselves the trouble to examine the several articles contemplated to be prohibited by this resolution, they will find that on the subject of woollen cloths there is a blank in the resolution, which he hoped would be filled with such a sum as would admit the importation of all such woollen cloths as were found absolutely necessary for clothing the laboring part of the community; fine cloths would be obtained from other countries, and on them no diminution of duty would take place; the revenue of course would not be affected on the article of woollen cloths. He would not, however, examine at this time the several articles separately, as this could be better attended to at a future stage of the business, after the principle should be decided. If the other blank in the resolution should be filled with the first of December or January next, he could see no necessity for delaying a decision, as the time for the system to go into operation would afford ample time for an attempt at negotiation.

From what had fallen from his colleague, the honorable Speaker, upon the other resolution, he supposed he was against the one now under discussion. Although the honorable Speaker and himself were near neighbors, yet the interest of those they represented might be very different; and while the Speaker, in protecting the interest

of his constituents, thought it best to abandon the principle contended for, he, Mr. A., thought it all important to his constituents not to abandon it; and although he differed very widely from his colleague upon the present question, he hoped he should be found at all times supporting such measures as should not abandon the interest of those he represented, whatever might be the respect he had for the interest and opinion of others. He thought it unnecessary for the honorable Speaker to have risen for the purpose of defending himself against a charge of inconsistency, for every person knew, without a defence, that his honorable colleague was consistency itself.

Mr. ALSTON concluded by observing, that although it had been asked in the present discussion, if we were ready to plunge the nation into war, as he did not believe it was intended to apply to the present resolution, he thought it unnecessary to make any remarks in reply to this question.

Mr. SMILIE hoped the Committee would not rise. He said he had heard no arguments urged in favor of the motion, which had any weight; and the late events in Europe, so far from recommending delay, enforced the propriety of prompt measures. This was the auspicious moment for acting, and he hoped it would be seized.

The question was taken on the Committee's rising, and it passed in the negative—yeas 48, nays 63.

Mr. J. CLAY.—I confess for my own part, when I see men possessed of so little information so confident, and thus determined to hurry on this discussion, I feel extremely diffident of my opinion. With several of the gentlemen who have preceded me in the debate, I have considered the resolution now under consideration as best calculated to obtain redress for the injuries we have received from the cruisers of Great Britain. I believe that while it did little injury to ourselves it would have a very different operation on Great Britain. I was also in favor of it, as it pointed out a course short of serious collision with her. I had also hoped that the Committee would have agreed to have taken up the resolution which I had the honor some time since to lay on the table, as the ground-work of a permanent system. From the course this discussion had taken, I had flattered myself some little information as to the situation of our foreign commerce, would have been given. I am no merchant myself, nor am I acquainted with commercial subjects. I did expect that those who were conversant with those subjects, and particularly the gentleman from Massachusetts, would have condescended to give us some detailed information. As I have been disappointed in this respect, I will hereafter take up a little time in showing that as to our foreign relations, the gentlemen on both sides have been egregiously misled by incorrect statements.

In these remarks I do not mean to attach any blame to the document from the Secretary of the Treasury, as the statements in that report have not been viewed in their proper light by gentlemen who have taken a part in this debate. I might here dilate upon the advantages that flow to us from the carrying trade, but as the usual hour of adjournment is approaching, I shall avoid going into this question.

Instead of there being a balance of six or seven millions annually against us, I believe it can be shown that there is a balance of two millions, annually, in our favor. We have 670,000 tons of shipping employed in foreign trade, and it would not be unfair to calculate the profit of this freight at eight millions, founded not on war prices, but on the usual peace prices, and calculating but one voyage a year. Under this view it must appear that our commerce is of more importance than it seems to be in the opinion of those with whom I have the honor to vote on this occasion. But there is another question worthy of consideration. Is there no course which we can pursue, which, without injuring ourselves, shall induce Great Britain to give up her pretensions, and her unjust violation of the law of nations? Believing that that there is, I opposed the resolution of my colleague (Mr. GREGG;) I consider, on the other hand, the resolution of the gentleman from Maryland as well calculated to answer this purpose. I am, therefore, in favor of acting, but not now, on this subject; and I am of opinion that by the beginning of next month it is probable we shall have information that will enable us to act decisively. It being my intention to remark more fully on this subject, as the usual hour of adjournment is at hand, I again move that the Committee rise.

Mr. EARLY advocated the rising of the Committee.

Mr. FINDLEY declared himself in favor of the motion, not, however, that the subject be postponed, but merely because they had reached the ordinary time of adjournment.

Mr. LYON inquired whether the object of the motion was postponement. If so, he should vote against it.

Mr. J. CLAY said his object was to postpone the subject till Monday.

Mr. LYON then spoke against the rising of the Committee, and took occasion to assign his reasons for being decidedly in favor of the resolution under consideration.

Mr. MUMFORD opposed the rising of the Committee, and said he had received a very important letter from the President of the Marine Insurance Company of New York, which he read. The letter expresses the deep apprehension entertained by the merchants of New York, that Congress will rise without adopting effectual measures for the protection of commerce against the depredations of the belligerent nations, and particularly those of Britain.

Messrs. STANTON and JACKSON likewise spoke against the rising of the Committee, and urged the strong necessity of prompt and vigorous measures.

When the question was taken—yeas 65, nays 47, and the House adjourned, a short time after 3 o'clock, to Monday.

Monday, March 17.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the the same;" to which they desire the concurrence of this House.

Mr. Varnum, from the committee to whom was referred, on the thirteenth instant, the amendments proposed by the Senate to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," made a report thereon; which was read, and ordered to lie on the table.

The Speaker laid before the House a letter from William Eaton, praying that an examination may be had of the several documents accompanying the said letter, in support of his claim against the United States, for expenses incurred in the execution of his consular duties at Tunis; which was read, and referred to the Committee of Claims.

The bill sent from the Senate, entitled "An act to authorize the State of Tennessee to issue grants, and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same;" was read twice and referred to the Committee on the Public Lands.

On motion, it was

Resolved, That the Postmaster General be directed to report to this House the state and condition of the post route from Athens, in Georgia, to New Orleans, with the difficulties and obstructions which are encountered in transmitting the mail along said route; and, also, what will be the probable expense of opening a horse road between the above named points.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act for the relief of Peter Landais:" Whereupon,

Resolved, That this House doth disagree to the amendment proposed by the Senate to the said bill.

Resolved, That this House doth insist on the said bill, as sent to the Senate, and doth desire a conference with the Senate, on the subject-matter of the said amendment; and that Mr. John C. Smith, Mr. Nicholson, and Mr. Smilie, be appointed managers at the said conference, on the part of this House.

Resolved, That the order of the day to hear Arthur St. Clair at the bar of this House, in support of his claim, be postponed indefinitely.

EXTENSION OF PATENT RIGHTS.

Mr. Crowninshield, from the Committee on Commerce and Manufactures, to whom was referred the petition of George Dodge and others, merchants of Salem, in the State of Massachusetts, submitted the following report:

The petitioners were the proprietors of the valuable nail factory at Amesbury, in the State of Massachusetts. They have owned the works about three years, with the patent granted originally to Jacob Perkins, of Newburyport, for a new and useful improvement in the mode of manufacturing nails; and they also are the assignees of another patent, granted to Samuel Guppy and John Warren Armstrong, for a further improvement in the manner of cutting nails, discovered by the said Jacob Perkins. They have expended large sums of money in repairs and additions to their buildings; and the whole was in a capital state of improvement, when, on the 24th of December last, the buildings accidentally took fire, and were entirely consumed, with all their tools, machinery, and a considerable quantity of stock on hand. The loss is estimated at a sum exceeding $30,000. This was a most useful establishment; it supplied the neighboring country with large quantities of nails at a reasonable price, as they could be sold at a cheaper rate than the imported nails; and the works being on an extensive plan, the supply was abundant. The petitioners are disposed to rebuild their works if they could be encouraged to proceed; and it would be a great inducement with them to commence the undertaking, if they could be permitted to renew their patent rights for a period of seven or fourteen years from the time they will expire by the present limitation.

The first patent was granted on the 20th December, 1794, and will expire on the 14th December, 1808; and the second is dated 14th February, 1799, and will expire on the 14th February, 1813, each being limited to a period of fourteen years, agreeably to the act entitled "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose, passed the 21st February, 1793."

In considering the merits of this application, the Committee on Commerce and Manufactures will not give an opinion on a case not properly before them; they may be permitted to observe, that, had the loss actually happened to the original patentee, they should probably have deemed themselves justified in proposing to the House to grant the extension of the patents for a short period of time, with a view to encourage the inventors of useful machines to prosecute and extend their discoveries. But, although the committee acknowledge the present petitioners have sustained a severe loss, they do not seem justly entitled to a renewal of their patents after the limitation may expire. No consideration could have been paid to the inventor at the time of the purchase of the patent right for the use of it beyond the stipulated period of fourteen years. It is understood that the right will then be in the public; every individual in the community ought then to be entitled to make use of the machine. Indeed, after being deprived of its advantages for fourteen years, unless under a title acquired by purchase from a patentee, it might be supposed that the citizens of the United States have a fair claim to participate in the enjoyment of a right, and in the free use of an inventton, the benefits of which may have been so long exclusively withheld from them. It might be objected, also, that other applications would be made to Congress should the rule once be established that the purchaser of a patent right might calculate on its extension, although no compensation had been allowed at the time of making the purchase, for the use of it beyond the period fixed by law. Under this view of the subject, the committee are induced to recommend that the petitioners have leave to withdraw their petition and the documents which accompany it.

The report was agreed to.

IMPORTATION OF BRITISH GOODS.

The House again resolved itself into a Committee of the Whole on the state of the Union, on Mr. NICHOLSON's resolution, submitted on the 10th of February.

Mr. SLOAN addressed the Chair as follows:

Mr. Chairman: As I wish always to do to others as I would be done unto, and as I do not love to be kept in suspense myself, I will not keep this Committee in suspense respecting my opinion of the present resolution. I am opposed to it, because it does not mention what I consider the principal cause of our complaint against Great Britain—I mean the impressment of our seamen—at the same time declaring that I will eventually vote for any measure that I shall consider better than none. This is a line of conduct that I have thought it my duty to adopt in all cases since I have had a seat on this floor. From the course that other members have pursued in this debate, I expect I shall be permitted to give my reasons in favor of a non-intercourse with Great Britain, in preference to the prohibition of certain articles of their manufactures, contemplated by the present resolution.

Mr. Chairman, notwithstanding I am conscious of my inability to do justice to a subject of greater magnitude, as it respects the character, the interest, and the peace and happiness of that beloved country that gave me birth, than any that has ever claimed the attention of the Congress of the United States since I have had the honor of a seat on this floor, I say I am happy, nevertheless, in having an opportunity to cast my mite into that treasury which, having been instituted upon a principle of perfect equality, the widow's mite is, or ought to be, as acceptable as the greatest gift from the superabundant treasures of the rich. In the observations that I shall make, it is not my intention, directly or indirectly, to charge those who differ with me in opinion, whether in a majority or minority, with ignorance or evil design, much less to stigmatize or reproach them with contemptible epithets. No, Mr. Chairman, I consider it my duty to consider many members on this floor as my superiors and none as my inferiors. I consider it my duty, after having given my reasons for or against any subject in discussion, to cheerfully submit to the decision of a majority; and I also consider it my duty to treat every member of the Legislature of the Union with that respect due to fellow-citizens standing on an even floor. I consider it my duty instead of holding up the interest of the Northern States as opposed to the interest of the Southern, or the Eastern to the Western, to view them all as members of the same body; consequently, one cannot suffer without the whole being affected. I consider it my duty, instead of taking advantage of local situations, and different occupations, productive, at certain times, of temporary jarring interests, to array one part of our fellow-citizens in opposition to another part; contrarywise, to endeavor to show that such temporary inconveniences cannot long remain, but like water seeking its level, the inequality will soon be removed. This I conceive to be my duty, in order to promote that love and harmony amongst members of this House, and citizens of the United States in general, which I consider as the only efficacious cement of our Union, by which our present happy form of Government can be continued, and the rights and liberties we enjoy handed down unimpaired to future generations. A contrary line of conduct is, in my opinion, derogatory to the character of any person honored with a seat in this House, and injurious to the peace, liberty, and happiness of the United States.

Having briefly proposed the premises which I mean to observe as the rule of my conduct, I shall offer my reasons in favor of non-intercourse with Great Britain, in case she persists in these insults and injuries, which is the subject of the present discussion, and which, in my opinion, the United States has already suffered too long.

In offering my reasons, I shall not bring into view the conduct of other nations to justify Great Britain; neither shall I assert that Bonaparte is an usurper and a tyrant; that he has annihilated Spain, and is now aiming at the conquest of the world; but is graciously pleased to leave the United States for the last victim he means to devour! All I have to say to this (if it be true) is, to acknowledge my gratitude for his having determined to give us the longest time to repent of our sins, of which there is great need; and to give it as my opinion, that we have no right to interfere with the form of government in France; the people there having as good a right to choose an Emperor as we a President.

I shall not take up the time of the Committee in reading documents to prove the magnitude of the grievance, (that having been done in a former part of this discussion by my friend from Massachusetts, Mr. BIDWELL,) and those documents having been long in the possession of members, render it unnecessary; but shall first endeavor to prove that it is our duty, as Representatives of the people, to apply an effectual remedy to existing grievances, and to prevent their repetition in future; that we are called upon not only by the sufferings of our constituents, but by the sacred obligation we owe to the character of our country, and by our indispensable duty to preserve that character without spot or blemish, in our intercourse with foreign nations; which can only be done by a system of justice and equality, granting no peculiar favor to one that we do not to others; and, on the other hand, submitting to no insult or injury from one nation that we do not submit to from others.

And, secondly, that we can, at this time, obtain redress of grievances without any risk or probability of war with Great Britain, because it would be contrary to her interest, and because, in case of war, she must eventually be the loser; and, also, that if she could act so contrary to her interest, as to suffer a non-intercourse law to go into operation, it would be a great benefit to the United States, by encouraging home manufactures.

And, thirdly, call the attention of the Committee to the sufferings of our impressed seamen.

And, fourthly, endeavor to show that the opin-

ion of some members, who are opposed to non-intercourse, because it would operate partially on different sections of the Union, are not well founded.

And, lastly, that it is our duty to lay aside all local ideas, and consider the United States as one body politic, and that if but one limb be injured, the whole is bound, both in interest, in justice, and in policy, to unite in the means of obtaining redress.

If, in delivering my sentiments on this subject, any member of this Committee should conceive that I discover too much warmth, I desire it may be attributed solely to the abhorrence and detestation with which I have long viewed the insolent and injurious conduct of Great Britain towards the United States—not to her suffering subjects, them I love, and their sufferings I pity; but the deceptive, oppressive, and tyrannical administration of her Government, I do most decidedly and conscientiously abhor and hate.

Mr. Chairman, when I laid a resolution on the table for the purpose of prohibiting intercourse with Great Britain, in case she should refuse to enter into any arrangement for the amicable settlement of existing differences, I queried what was become of the spirit of '76, because I considered a portion of that spirit that gained our liberty necessary to retain it. I renew the query: What has become of that independent spirit that chose rather to part with life than inherent rights? Have we, with the merchandise of Great Britain, imported the servile disposition of her oppressed and degraded subjects? Is it possible that her fascinating gewgaws and fripperies are so powerful as to induce the Representatives of the United States in Congress assembled, rather than suffer a temporary privation, to permit the rights and liberties of their constituents to be trampled on with impunity by that haughty, tyrannical nation? I say the Representatives are convinced, beyond a doubt, that a great majority of the citizens are not barely willing and ready to support any just and firm measures that Congress shall adopt for the purpose of obtaining redress of grievances and support of their just rights, but anxiously looking out for the adoption of decisive measures.

Shall we, then, chosen by them as temporary guardians of their rights and liberties, neglect, or treat with indifference, the numerous memorials that have been presented from various parts of the Union? I hope not. I hope we shall adopt such firm and decisive measures as will compel the British Government to make restitution for past injuries, and enter into just arrangements for the prevention of similar injuries in future.

But Mr. Chairman, we have been frequently told that such a plan would produce war with Great Britain. This is no new doctrine to me. I have been frequently charged with acting contrary to my peaceable principles, because I have taken an active part in opposing oppression, injustice, and every infringement of the inherent rights of the people; this I have done with a view to prevent war. Injustice and oppression I consider as the principal predisposing causes of war, and that the best way to prevent the effect is to remove the cause.

Those causes I have lately seen raise the political thermometer in the United States nearly to war heat; but, thank God! I have lived to see it cooled down to a temperate state, and the cause greatly diminished—not by those destructive weapons that spread destruction over a land, and multiply the tears of widows and orphans, but by the force of truth and reason, those bloodless conquerors, more powerful than the sword! I wish the Government of the United States to use justice, truth, and reason; these are the weapons that become the representatives of a free people, and the only ones I conceive to be necessary to preserve that liberty and independence lately purchased at the price of blood.

Separated, by the Atlantic, three thousand miles from the oppressive Governments of Europe, which originated in war, and can only be supported by carnage and bloodshed—possessed of an extensive and fertile country, embracing so many climates as not only to produce all the necessaries, but also most of the luxuries of life—what have we to fear from Great Britain? What can she deprive us of? What but gewgaws and fripperies, that we are much better without, which tend to promote pride and idleness, those prolific parents of a numerous train of attendant vices, contrary to the principle of a Republican Government, and derogatory to the character of a free and independent nation?

But it is alleged, that non-intercourse with Great Britain would injure our revenue; to this I answer, that I have no apprehension that Government would act so contrary to her interests, as to let such a law go into operation; but, admitting they should, for every million of revenue immediately lost, the United States would eventually gain five, and probably much more, by increasing home manufactures, which can only make us in fact a rich, free, and independent nation. For I contend our independence is incomplete, while we are dependent for so great a part of our clothing, on a nation possessed of so powerful a marine, as to assume the exclusive jurisdiction of the ocean, and that envies our liberty and increasing wealth.

I am sensible, Mr. Chairman, that I am running counter to a strong current of public opinion; that it is our interest to pursue agriculture and commerce; leaving manufactures to old nations whose numerous population reduces the price of labor; but, I am happy in beholding this false theory daily falling before the irresistible power of fact. The cheapness of food in many parts of the United States, overbalances the high price of labor so much, as to enable various kinds of home manufactures to be sold lower than those of the same quality imported from Great Britain. Witness shoes, which have nearly excluded importation; and I am credibly informed, that coarse home made linen, can at this time be purchased lower than imported, of the same quality. As a further

proof of my position, I will detain the Committee with but one more fact. Some time after the Revolutionary war, when large quantities of cotton were imported for our own consumption, a manufacture of that article was begun at Wilmington, and brought to such perfection, that a merchant in Philadelphia informed me, that he could purchase various kinds of cotton lower, and of superior quality to those he imported from England; and that a British agent, on viewing some of those goods, in his store, observed, that would never do; we, says he, (meaning the merchants of Great Britain) must put a stop to this—and shortly after the factory was burned down! Here let me ask the members of this Committee, whether if at that time, when a manufacturer of cotton had to import it under a heavy duty, and could nevertheless rival the British, he could not now, when many millions of pounds, the growth of our own soil, are exported annually, which might be obtained free of duty; and when labor-saving machines are brought to so much greater perfection? And secondly, whether any free and independent citizen would not prefer a temporary sacrifice of interest to a servile dependence upon a haughty tyrannical nation, whose influence and gold have not only greatly injured the infant manufactures of the United States, but ruined many in various parts of the world? And thirdly, let me ask you, my Southern brethren—who, I am told, are rapidly making fortunes by raising and exporting cotton—would it not give you additional pleasure to sell this raw material (of which I am informed five thousand dollars' worth, when manufactured, makes one hundred thousand) to your brethren of the Middle and Eastern States, and receive it manufactured from them—whereby the industrious poor of our own citizens would be supported—rather than from a foreign nation? I have no doubt but that you would.

Before I dismiss this subject, let me ask what raised Great Britain to affluence and power? Was it not by giving such encouragement to manufactures as to induce manufacturers, from various parts of Europe, to emigrate to that island, whereby their internal strength has been greatly increased, and their fleets and armies principally supported by the product of their manufactures? These are facts that I trust no member on this floor will deny.

I am told that Great Britain charges an export duty of four per cent. on all cotton goods imported into the United States, and but one and a half on those exported to other countries. This induces me to renew the query, where is the spirit of '76? Has it fled from our land? Are we disposed cheerfully to submit to every species of insult and injustice that nation chooses to impose upon us? What peculiar advantage do we derive from their trade, to induce us to submit to higher duties than any other nation? Is it because the balance of that trade is eleven or twelve millions of dollars per annum against us? Or is it because the credit they give has induced many of our farmers and mechanics to leave their useful occupations which they understood, and flock into populous cities, go largely into trade, and business which they did not understand; and, after living in pride and luxury a few years, prove insolvent, and wrong their creditors out of many thousand dollars? Mr. Chairman, the more I consider and investigate this subject, the more I am astonished at the conduct of the United States towards Great Britain—the more I am astonished at the conduct of the Representatives in Congress assembled. In this astonishment, bear with me while I address this Committee, in the language of one formerly to the Galatians. Oh! foolish Americans, who hath bewitched you, thus to submit to injury and insult, from a nation whose trade subjects you to a loss of eleven or twelve millions of dollars per annum, and who charges four per cent. on the goods you import from her, and but one and a half to all other nations?

My friend, the Speaker, attempted to explain this paradox, or rather rejected the premises as an impossibility, that the United States should increase in wealth, when nearly one half of their foreign trade, instead of producing profit, threw a balance of eleven or twelve million of dollars against them. But, he might have avoided the Herculean task, of producing to the Committee that which was impossible, because it never existed, by recurring to the fact adduced by my friend from Massachusetts, (Mr. BIDWELL,) and the statement of the Secretary of the Treasury on our tables, viz: that this deficiency was overbalanced by our more profitable trade carried on with other nations. I do not rely barely upon the information given upon this floor, or the documents before us, to establish this fact. I rely also upon preceding documents, and the information I have received from merchants, and others well acquainted with the nature of our trade with Great Britain. All agreeing, that with some rare exceptions, the balance is so much against the United States, that were it not for the more profitable trade carried on with other nations, instead of growing rich, we should be reduced to a state of poverty.

For this reason, I am in favor of non-intercourse, rather than a prohibition of her manufactures; because, if we cannot do without them, we could, in my opinion, procure them from other nations second hand, upon more advantageous terms than under the present duties, we do now, immediately from them; and because I consider gratitude, justice, and the interest of our country, obligatory upon us, to encourage trade with those nations who deal with us upon fair and honorable terms, and to discourage it with those who do not. And lastly, because I am fully persuaded it would soon induce Great Britain to open a fair and permanent trade with her West India islands, much more advantageous to the United States than the trade to the mother country. I shall conclude this subject with returning my sincere thanks to the Speaker, for the very able and decisive manner in which he has supported my premises in favor of American manufactures, by informing the Committee that they do not now, as formerly, depend on a great number of

hands, by reason of labor-saving machines being brought to so much greater perfection. This appears to me a conclusive reason, founded upon fact.

Mr. Chairman, during the present session I have heard, with surprise and regret, members of this House represent the condemnation of our property and the impressment of our seamen as things of trivial consequence; and that the alarm was principally raised by the merchants, for the purpose of speculation; that if they could induce Congress to prohibit intercourse with Great Britain, they would raise their goods one hundred per cent., and country produce fall in proportion, by which means, instead of losing, they would be greatly benefitted. This language, I repeat, has exceedingly hurt my feelings, since this subject has become a common topic of conversation, for two reasons: First, it has a direct tendency to alienate the affections of one class of useful and respectable citizens from the other, and more numerous classes, and thereby lessen that confidence, unity, and harmony, that is as necessary to continue amongst the various members of our body politic, for the preservation of national strength and vigor, as that the various parts of an animal body should harmoniously act together. And, secondly, if we judge of things to come by things past, these insinuations will not be realized; the reverse, in my opinion, will be the case; the diminution of sales will overbalance the advanced price. I know of but one class of merchants that would be benefitted; that is, those who wish to leave business, having on hand a large stock of goods, which, sold at an advanced price, they would consequently be gainers; but those of small capitals who wish to increase them by continuing in trade, would suffer at least in equal proportion with farmers. I have also heard it alleged, that it is only in carrying foreign articles from one belligerent port to another, and not in directly transporting our own commodities to any belligerent port, that the British take, and condemn our vessels; and by that trade the merchants only are benefitted; therefore it is improper for our Government to run any risk to support them in that trade. This, Mr. Chairman, appears to me a very extraordinary and absurd mode of reasoning. So far from being entitled to no support from Government, I consider it an extra benefit, and therefore entitled to an extra support. To explain my meaning on this subject, let me ask this question:—If our merchants provide vessels sufficient to transport all the produce we can spare to foreign markets; and the return cargoes brought into our ports is more than we want for home consumption; which surplus they reexport, and by these extra exertions gain one million of dollars annually, is not the property of the United States increased in that proportion? Shall we then by neglect, damp or check this enterprising spirit in that class of citizens, who, by their extraordinary exertion, have greatly increased our revenue and wealth? I hope not. I hope Congress will unite in applying an efficacious remedy for past losses, and a sufficient preventive in future.

I shall now call the attention of the Committee to the conduct of the commanders of British armed vessels, pressing our seamen, confining them on board ships of war, and obliging them to assist in fighting their battles with nations in amity and peace with the United States. These are crimes of so horrid a nature, as can only be perpetrated by infernal spirits, actuating human bodies, supported by a Government which, as I have before observed, was founded in war, and is supported by tyranny, oppression, and the effusion of human blood! Let none say that I am painting this scene in too deep colors, or attaching greater infamy to the actors than they deserve. It is impossible. If you doubt this, accompany me in a short visit to the lonely cottage, where sit weeping two aged parents for the loss of their only son, whose filial love induced him to take a voyage to sea, hoping to procure a more comfortable subsistence for his parents in the decline of life. Attend to their mournful tale:—We received a letter from our dear son, informing us that he had a prosperous voyage, was returning home, hoping shortly to see his native land; but alas! met by a British ship of war, he was inhumanly forced on board, and carried we know not where—our only hope is blasted and the remainder of our days consigned to poverty, grief and wo!

One more visit to a still more affecting scene, I conceive will fully establish my position, that the actors in this infernal tragedy cannot be too much execrated. It is to the small chamber of a disconsolate widow, bathed in tears, surrounded by helpless orphans—with faltering voice, interrupted by many a bitter sigh, she relates the cause of her woe: My dear husband, finding he could make more by following the sea than by staying on shore, had been absent more than twelve months, when I received a letter, informing that his voyage had been prosperous; that he expected soon to arrive with sufficient property to place me, and these dear children, in a comfortable situation; but, oh! how shall I relate the dreadful reverse? When in sight of his native land, met by a British armed vessel, compelled by a gang of inhuman monsters, in human shape, to go on board a ship of war, to assist in fighting their battles; where he received a mortal wound, of which he languished, of which he died, and with him died all my joy, all my comfort, and all my hope!

Perhaps I shall be told that I am addressing the passions. Be it so. But let it be remembered, that I am not addressing them with fiction, or the enthusiastic flights of imagination; but presenting a feeble portrait of those real and horrid tragedies, that we have too long suffered to be acted with impunity upon our defenceless fellow-citizens.

Mr. Chairman, near thirty years has passed away, since the citizens of these United States have suffered under this degrading oppression and cruelty, peculiar to the British Government. In proof I shall read a memorial of two of the venerable patriots of that day:

"For the sake of humanity it is to be wished, that men would endeavor to alleviate, as much as possible

the unavoidable miseries attending a state of war. It has been said that among the civilized nations of Europe the ancient horrors of that state are much diminished; but the compelling men by chains, stripes, and famine, to fight against their friends and relations, is a new mode of barbarity, which your nation alone had the honor of inventing; and the sending American prisoners of war to Africa and Asia, remote from all probability of exchange, and where they can scarce hope ever to hear from their families, even if the unwholesomeness of the climate does not put a speedy end to their lives, is a manner of treating captives that you can justify by no other precedent or custom, except that of the black savages of Guinea. We are your Lordship's most obedient servants, B. FRANKLIN, S. DEANE."

"Lord Viscount STORMONT."

To the above letter the following reply was made: "The King's Ambassador receives no letters from rebels, except when they come to ask 'mercy.'" At that time the event of the war was undecided; it was not in the power of Congress to prevent that cruel, inhuman, practice; not so at this time, it is now in our power. Shall we suffer that nation, after acknowledging our independence, to continue the same arbitrary and tyrannical cruelty over our seamen, sailing under protection of our own flag, that they did at that time, when they insolently styled us rebels? I hope we shall not.

Here let me call the attention of the Committee to the capture of the frigate Philadelphia, whereby upward of three hundred of our citizens became prisoners to the Bashaw of Tripoli. How was this account received by the members of Congress? What sensations did it produce, and what was the effect? I need not inform this Committee. Every member, by turning to his Journal, may satisfy himself that prompt and decisive measures were adopted to procure their release from captivity. This case has been, by some members, contrasted with the impressment of our seamen. Let us analyze the two cases, and see what similarity there is between them. Our captives at Tripoli had entered voluntarily on board a frigate of the United States, then at war with that Power; and in that war were taken prisoners, and when so, were neither inhumanly beaten, nor compelled to bear arms against any nation, although the war was vigorously carried on by the United States, to reduce the town in which they were prisoners. Did they suffer anything but what their voluntary will subjected them to—captivity, a frequent attendant, and always a possible consequence of war? Will their case bear any comparison with that of a passenger, who, to avoid the tyranny of a European despot, had left his native land, hoping to find a peaceful asylum in the United States the remainder of his days; supposing himself secure under the protection of their flag, escaped from the danger of the sea, in sight of land, with American seamen, endeared to him by their kindness on the passage; together forced by a press-gang on board a ship of war, and there compelled to bear arms against their friends? It will not; it sinks into insignificance; it is like a drop to the ocean. Shall we then treat with indifference an account laid on our tables, that three thousand of our seamen are not only taken captive, but many of them ignominiously beaten with many stripes, and compelled to assist in fighting the battles of the British Government, with nations with whom we are at peace? If the case of our captives at Tripoli was sufficient to excite such tender sensations in the minds of the members of Congress, as to induce them immediately to adopt efficient measures to obtain their release, will not the insolence and barbarity of British armed vessels, pressing our seamen in the mouths of our harbors, after a perilous voyage, rejoicing in beholding again their native land—enjoying by anticipation the pleasing company of their long absent friends—expecting, in a few hours, the completion of their happiness, in the rapturous embraces of their bosom friends, and beloved offspring? But, alas! from their native land, and from all the most near and dear connexions in life, they are inhumanly rent asunder, perhaps never again to see their hearts' delight, but forced on board one of those infernal machines called a British ship of war, and there compelled to imbrue their hands in human blood—in the blood of those with whom they have no difference—they receive mortal wounds—they languish—they die—without any tender friend to sympathize with them in their affliction, or tenderly close their dying eyes! Will not, I say, reflecting on such scenes as these, not only excite a superior degree of sympathy and tender feelings of humanity, but raise an honest indignation and decided detestation for the actors of those horrid scenes, and for that Government who pretends to be the principal supporter of liberty, and that holy religion, which enjoins upon its adherents to do unto all men as they would be done unto; and yet persists in those base and barbarous acts of injustice, which are disavowed and rejected by all other Christian nations! I hope it will. I hope there yet remains in this Committee some of the sparks of the sacred fire of liberty, that, on the 4th of July, 1776, arose into an irresistible flame, burned and destroyed that servile dependence on the haughty, oppressive, and tyrannical Government of Great Britain, who wished to bind the colonies in all cases whatsoever. May the remaining sparks be rekindled, and burn up the residue of the dregs of British tyranny! May the first session of the ninth Congress of the United States evince to the world that they are worthy of, and mean to support that liberty and independence, lately purchased at the price of blood; which we have now in our power to do, without the effusion of human blood; only by doing what I conceive to be our indispensable duty—to act justly and impartially toward all nations with whom we have intercourse, and to withhold intercourse from any nation that will not, in turn, deal justly, upon terms of perfect reciprocity.

Mr. Chairman, our situation on the map of the world places us in a commanding attitude—and our principal exports being the substantial necessaries of life, renders them essentially necessary to those European despots, many of whose wretch-

ed subjects, instead of being peaceably permitted to cultivate the soil, are hired, or compelled to leave this innocent occupation, and imbody themselves for the purpose of learning more completely the infernal art of inhumanly butchering the human species, and to destroy, in a short time, the productions of great and fertile countries, whereby always want, and sometimes famine is produced! Thus situated, the United States can, without shedding of human blood, and without permanent injury to her revenue, or citizens, compel the haughty tyrant of the ocean to do us that justice which several of the most powerful nations of Europe have long strove in vain to effect, by equipping large fleets, and raising mighty armies. For the United States of America is reserved by the Allwise Disposer of Events, that glorious work of effecting by peaceable means, a cessation from injustice and injuries, which war measures have only tended to increase. To prove this fact, we need only recur to the history of the last century; there we find three of the most powerful maritime nations of Europe—Holland, France, and Spain—contending with England, severally and jointly, for the sovereignty of the seas; and what has been the effect? Let the blood-stained ocean, and the numerous vessels of war, built and equipped by those nations that have heretofore, and do at this time, make component parts of the British navy, answer the question.

Perhaps I shall be told that I have given up the argument, by acknowledging that the three greatest maritime Powers during the last century, by opposing the tyranny of Britain, only increased her power at their own expense and loss. No, Mr. Chairman, I adduced this fact to show that they attacked her in the only point where she was invulnerable; they attacked her wooden walls, raised by her manufactures and supported in part by the plunder of foreign nations; they attacked the effect, let us attack the cause; remove the cause, and the effect will cease. This is not a sentiment peculiar to my weak brain; I believe it to be a sentiment adopted by a great majority of the most enlightened and best informed citizens of the United States. I believe so from verbal communications, and from public prints—an extract from one of these I shall now read:

"It is expected, (says the Independent Chronicle,) that, on the meeting of Congress, the important business of national commerce will be adopted, to give protection to our property and seamen; that the British nation will feel the force of our trade, not only within their manufacturing towns, but the islands. We have a strength in this species of warfare, which would command the attention and respect of that nation. Our imports of their fantastical articles of fashion, which only serve to vitiate our habits, and introduce idleness and dissipation among our citizens, are the mainsprings which enable them to enrich themselves at our cost. Let us only cease to barter our national honor for gewgaws and articles of foppery, and we might bid defiance to that Power, which now wantonly sports with our sovereignty and independence. The suppression of a cargo of British manufactures would be more powerful than ten sail-of-the-line; for the latter might be captured, and occasion a loss of millions, but the former would enforce its operation with an efficacy too powerful to be concealed, attended with the saving of millions of dollars, which are yearly remitted for superfluities. Let us know our strength, as it relates to Britain, and we should not hesitate long in putting it into operation. Ships of war are the strength of Britain, but a non-intercourse would soon dismount every cannon of their navy."

However chimerical this may appear to the eulogists of Britain, who suppose her power invincible, and her resources inexhaustible, they are as certain and inevitable consequences as that water will quench fire, or, that taking away the fuel will cause it to go out. But, suppose Great Britain should, contrary to her interest, refuse to enter into just and amicable arrangements with the United States; should let a non-intercourse law go into operation; should put forth her strength, as we have been told she will do, and make us feel it. What would be the consequence? In my opinion, a horn-book politician, that has only learned his A, B, C, (if he has not learned them in the school of a British Minister,) may discover the certain and inevitable consequence, that as their oppression and injustice to the Colonies produced a partial independence, their continuance therein would complete the system. I say a partial independence, and conceive myself fully authorized in adopting this language, as long as members of Congress hold up an idea that we cannot exist without importing British manufactures; that non-intercourse would injure the United States more than Great Britain, and that if we offend her Minister, he will put forth his strength, and make us feel it.

But, Mr. Chairman, as I desire not to trespass on the patience of this Committee, I will, in a few words, state what appears to me to be the real grounds of opposition to a non-intercourse law, which I consider as the only effectual measure. One member has told us, his tobacco is not sold. Another, that it would sacrifice at least one year's crop; and a third, that it will operate harder upon his constituents than in any other part of the Union. And here I must anticipate the situation of a fourth class, that has not sold their wheat. And another class of citizens, I should have added, to this list of anticipated sufferers, if we had not been informed, from high authority, that they were like slippery eels, that could slip round and evade any law: I mean the merchants, who, doubtless, have on hand large quantities of beef, pork, &c. But, as we are told, they are cool, calculating rogues, and, therefore, well able to help themselves, I shall leave them to manage their own business in their own way, and close the catalogue of sufferers with the case of my immediate constituents in New Jersey; they are, many of them, poor tenants, who depend upon paying high rents, and supporting their families by raising produce for market, and can only, by steady industry and rigid economy, pay their rents, and support their families. If produce falls one hundred per cent. what must their situation be? Will not they merit at least an equal share of commis-

eration with rich landholders, who clear, by raising tobacco, cotton, or rice, from five to ten, or fifteen thousand dollars per annum? I hope no member on this floor will conclude they do not. Yet, Mr. Chairman, I am bold to say, on their behalf, that, if it depended on their voice, they would say, pass the law. They would say, as some of their fathers said at the commencement of the Revolutionary war, we will put on our old clothes, and wear them over again; we will reject her manufactures, and forego the sweets of her islands, rather than submit to her insolence, and the cruelty of her commanders of armed vessels, pressing our fellow-citizens in the mouths of our harbors, and, by stripes and cruelty, compelling them to assist in fighting their battles against nations in amity and peace with us! This, I believe would be their language, and not theirs only, but a great majority of the citizens of the United States. So far am I from believing with my friend from Georgia, (Mr. EARLY,) that if all the people of the United States were fully informed of the conduct of Great Britain, nine-tenths would reject the present resolution; nineteen-twentieths would call upon us to pass a non-intercourse law, to prohibit trade with that nation, until she restored our seamen, and entered into arrangements to trade with us in future upon terms of perfect reciprocity.

A peace neutrality, a non-intercourse law to enforce the resolutions sent by the Senate to our President, will be more efficacious than fifty ships-of-the-line, and one hundred frigates. The voice of a respectable class of citizens, (the merchants,) who more immediately suffer loss of property; the voice of humanity; the sighs of aged parents, lamenting the absence of their beloved offspring; the heart-rending cries of tender females, for the loss of their bosom friends—all supported by the eternal, immutable principles of equal justice, united, call aloud to the Congress of the United States to apply an effectual remedy to this horrid scene of injustice, oppression, and tyranny! God grant that we may no longer turn a deaf ear or treat with indifference these calls.

As I do not intend to impose upon the Committee by frequent communications, I must beg their attention a few minutes longer.

Mr. Chairman, the confident declamation of a member (Mr. RANDOLPH,) who has taken up the time of the Committee more than three times as long as any other, has brought to my remembrance the language of one, who, in his day, was called the wisest of men, (Solomon:) "Wo to thee, oh land, when thy King is a child." Wo to these United States, if ever that day should arrive when a majority of her Legislature should be children, rocked on downy pillows, dandled in the lap of pleasure, and fed at the table of luxury; whose knowledge is all theoretic, acquired by reading, seated in easy chairs. These are the mushrooms, the fungusses, the premature hot-bed productions, that we have been so often told of; notwithstanding they have had the assurance (may I not more properly say insolence?) on this floor, to treat the arguments of all who differ from them, as trifling, and unworthy of notice; and those resolutions, which other members have introduced, as spurious illegitimate productions, and their authors and supporters as horn-book politicians, not having learned their A, B, C, and, what is much worse, they never can; being so void of reason, that they ought to be put in straight-waistcoats, and kept in dark rooms. But, one ray of comfort, doubtless, strikes every honest mind, in observing, that this number of arrogant dictators is small. God grant that they may not barely remain small, but, (if they continue their late insolent conduct,) at the next election, be removed.

Mr. Chairman, members of this House who frequently take a retrospective view of the Revolutionary war, whereby the colonies of North America became free and independent States—who remember the time when the American Army, reduced to a skeleton, a handful of men, dispirited by defeats, and hard pressed by a powerful and victorious army crossed the Delaware at Trenton; and, in addition to the reduced state of the Army, a mortal disorder raged in various parts, which caused some to observe, that it appeared as if the hand of Providence was turned against us—but, in the sequel, had thankfully to acknowledge, that not by their own power, but through the mercy of the Allwise Disposer of Events, this powerful army was turned back again, and, finally, obliged to leave this land, with shame and disgrace! I say, those members will not rise on this floor and assert, that that Government, headed by the same Monarch, is now fighting the battles of liberty, and is the only barrier we have against Gallic tyranny; neither will they pour torrents of abuse upon the Government of that nation which was instrumental in procuring their freedom, and still manifests a friendly disposition to treat our citizens with respect, and our commerce with justice.

No, Mr. Chairman, I hope and trust there yet remains in this House, and in this nation, a great majority who believe in the existence of a Supreme Omnipotent Power, that not only reigns above, but doth whatsoever he sees meet among the children of men! These will not depend upon the fleets and armies of Great Britain to defend us from Gallic, or other tyranny; these will be concerned to act justly and impartially toward all nations, depending upon the God of justice, truth, and mercy, to bless their honest endeavors, and to preserve them and their constituents from all harm. With this class, however they may be despised by the wise and learned in their own conceit, it is my joy, my comfort, and my glory to act. These I salute as my beloved brethren, and for their encouragement, under the torrents of abuse that they have received, let them remember that the just man's path is a bright and shining light, that shines more and more unto the perfect day, and that all who walk in it walk safely, and have nothing to fear! I shall conclude with recommending to the perusal and attention of those wise and learned members, before alluded to, one verse of that justly celebrated prayer, composed by Alexander Pope:

"Let not this weak, unknowing hand
Presume thy bolts to throw,
And deal damnation round a land,
On each I judge thy foe."

Mr. J. CLAY.—Several reasons induce me to advocate the resolution on your table, one of the principal of which is, that I believe it to be the best means of vindicating that right which is inherent in us as an independent and neutral nation, the right of freely navigating the ocean in our own ships, and carrying our own property. A view of the subject, in its proper aspect, will enable us to see what that right is, its real and legitimate extent, and, consequently, wherein it has been violated. In taking this view, I shall be led to consider the doctrine of neutral rights in a different light from that in which some gentlemen have taken it. It is much to be regretted that the original ground, of free ships making free goods, has ever been abandoned by us. Had this doctrine been established, an end would have been put to the vexations, and spoliations on neutral commerce, which have been committed under the pretext of covered property. As the neutrality of the ship would have insured the safety of the cargo, no temptation could possibly exist for fraudulent practices—no ground for the accusation. I believe this doctrine is the best supported by reason, and by the considerations of justice due to neutral by belligerent Powers. Nothing is more certain than, that a nation at war has no right to take enemy's property on neutral ground. No nation has ever claimed a right to violate the territory of a friend, in order to seize the property of an enemy; and it appears to me, that a ship, sailing under a neutral flag, ought to be considered in the same light as a part of the territory of the nation to which that flag belongs. The only inquiry which a belligerent is justified in making, is, whether the ship sails under false colors, or not? and this would be sufficiently shown by her papers. I believe this has been conceded by all nations, at least, as far as it respects ships of war. That it has been conceded by Great Britain, appears from the celebrated case of Jonathan Robbins, otherwise called Thomas Nash. By the Treaty of 1794, a person committing murder in the territory of one of the contracting parties, and fleeing to the other, was to be given up to the nation in whose territory the murder was committed. Under that treaty, this person was claimed as one of the mutineers on board the "Hermione," and was surrendered to the British by this Government. He could not have been demanded on a charge of piracy, it must have been on a charge of murder; and nothing can be clearer than that he was surrendered under the idea, that the ship, on board of which the murder had been committed, was British territory. If the act had been merely a piratical one, he could not have been demanded. This nation, as well as that, would have been competent to punish him; all nations having a concurrent jurisdiction over acts of piracy committed on the high seas. He must, therefore, have been demanded and surrendered under the Treaty of 1794, on the charge of murder, and both nations must have considered the ship as British ground. This, then, I take to be the true and legitimate extent of the claim of a neutral nation: that her ships shall be considered as a part of her territory, and, that if no fraud is committed in carrying the flag, they have a perfect right to pass unmolested. But, unfortunately, the right in this full extent, has been abandoned by our nation, and, however we may regret it, we are bound by the surrender.

It has been justly observed by my friend from Virginia, (Mr. J. RANDOLPH,) that the nation who has the mastery of the sea, always finds it her interest to narrow down the rights of neutrals, and, indeed, attempts have been made by different nations totally to cut off all commerce with their enemies. So with Britain. We find, as early as the year 1688, that this was insisted upon by Great Britain. In her treaty with Holland of that year, she agreed to prohibit all trade with France, and it was attempted to be justified upon the same ground as is now set up as a pretext for her present aggressions—the ground of necessity and the inordinate ambition of the French Monarch. This was not submitted to by the neutral Powers. Sweden and other northern nations remonstrated, and their remonstrances were, I believe, successful.

In the year 1757, the man who has so often been alluded to by the epithet of "back stairs," the present Earl of Liverpool, wrote a book in vindication of the conduct of Great Britain towards neutral nations, and from it we may gather his sentiments on the treaty just mentioned. After quoting the second and third article of the convention, in which it was agreed that they, (Holland and England,) "would take any ship or vessel, whatever King or State it may belong to, that shall 'be found sailing into, or out of, the ports of 'France, and condemn both vessel and merchandise as legal prize; and, that this resolution should 'be notified to all neutral States," he proceeds:

"Such, therefore, at this time, was the avowed opinion of Holland, and England was induced to join with her in this convention, exceeding thereby those bounds of equity and moderation which she had almost always practised, in this point, before, and which she will, I hope, most faithfully observe for the future. The Northern Crowns, who were particularly affected by this prohibition, contended very vehemently against it. In answer to their objections, were urged the circumstances of affairs, the danger of Europe, and the mighty strength of that ambitious Power, which, if some extraordinary effort was not made, would bring mankind under its subjection. It is remarkable that Puffendorf, who owed his fortune and employment to one of those Northern Crowns, was of opinion, in this case, against them, and thought that the convention might be justified. It is not meant here, at present, either to censure or commend it. Circumstances may sometimes make a thing lawful, which, considered by itself, would be unjust. But, such times are truly unhappy, when necessity must be pleaded in support of a right."

Such was the opinion of the Earl of Liverpool, in the year 1757.

But, after having abandoned the doctrine of free ships making free goods, we must be content with endeavoring to examine what rights remain to

neutrals. Writers upon national law, who have supported the opposite principle, have attempted to show the extent of neutral rights in their commerce with the belligerent nations, and the principal restrictions are, that they cannot carry enemy's property, or goods contraband of war. Various definitions of contraband articles have been given. As long as the production or fabrication of warlike stores and arms were in the hands of a few nations, the application of the principle to them might have been just; but when they have become common to almost all nations, they are placed in the same situation as provisions and other articles of commerce, and it has become extremely doubtful whether the reasoning of modern politicians in regard to them is correct, particularly when nations on the eve of war, always provide themselves with sufficient magazines for carrying it on. But, even those who agree in the principle of confiscating contraband articles, find it difficult to regulate its extent. At one time, it is so restricted as to exclude from the list even naval stores and saltpetre; at another, it is carried to a ridiculous extent. Spain, at one time, undertook to define the list of contraband, and declared that tobacco should be included. This became a ground of offence to England, and Bynkershoek, who mentions the fact on the authority of Zouch, says, that the English, on this occasion, granted letters of reprisal against the Spaniards. The grave Dutchman then condescends to be jocose, and observes, "whether this 'controversy about tobacco ended in smoke or no, 'I am ignorant. This, however, I know, that I 'do not agree with the Spaniard in opinion, as no 'use was ever made of tobacco to kill an enemy."*

Now, when the doctrine of contraband may be carried to such dangerous, and even ludicrous lengths, does it not appear proper to abandon it altogether?

But recurring to the same authority to which I have already referred, we shall find what Great Britain herself understood to be the right of neutrals in the year 1757:

"It cannot, I think, be doubted, that according to those principles of natural equity, which constitute the law of nations, the people of every country must always have a right to trade in general to the ports of any State, though it may happen to be engaged in war with another, provided it be in their own merchandise, or on their own account, and that under this pretence they do not attempt to screen from one party the effects of the other, and on condition also that they carry not to either of them any implements of war, or whatever else, according to the nature of their respective situations, or the circumstances of the case, may be necessary to them for their defence. As clear as this point may be, it has sufficiently appeared by the facts deduced above, that amid the irregularities of war, the rules of equity in this respect were not always enough regarded; and that many Governments, in time of war, have often most licentiously disturbed, and sometimes prohibited totally, the commerce of neutral nations with their enemies."—*Discourse on the conduct of Great Britain.*

Here is no mention of accustomed trade. Enemy's property and contraband goods alone are mentioned as forbidden to be carried by the neutral. If a man had written a treatise in defence of American commerce he could not have been more explicit; he could not now have taken a different ground. We claim the right of carrying our own property—the products of our own industry and enterprise—to the ports of France, Spain, and Holland, in our own ships, and of importing goods from the belligerent Powers into our own country. This is all for which we contend. We send money to the East Indies and provisions to the West Indies, and we receive in return their coffee and sugar, which yields us a profit, and of which we obtain greater quantities than are required for our own consumption. What then? Are the United States bound to keep on hand the whole surplus? If so, we must abandon the trade altogether, for the accumulation would destroy it. No. These goods once landed become part of the stock of the nation, and she acquires the same right to export them to foreign countries, that she has to export her native productions. She has the same right to send them to Hamburg, to Holland, to France, and to Spain. When this is done another profit is obtained by our merchants, who import from Spain, France, and Holland, certain articles which, on their arrival in the United States, are found to be beyond our wants, or better suited to other markets, and are again exported. Are we to be deprived of this right too?

Here I might incidentally notice the impressment of our seamen, but as this subject has been dilated upon very fully, I shall make but a single remark. Although we have given up the doctrine that the national flag shall protect belligerent property on board of our ships, yet no man will contend that this relinquishment has gone so far as to admit the cruisers of a nation at war to take from our ships the goods, much less the persons of friends. And in a case where we find a British officer uniting in himself the characters of party, accuser, and judge, I do think the national feelings ought to be called forth. Having thus, as I think, succinctly stated the right to carry our own property in our own ships, I hope I shall be indulged in making a few remarks on the advantage to the nation of that species of trade most affected by the principle assumed by the British Government.

A distinction has been attempted to be drawn between the agricultural and commercial interests of the community. But it has been conceded, that if by this trade the national wealth has been increased, it is as much entitled to protec-

* "De tabaco magnis animis inter Hispanos et Anglos quæ si tum esse refert Zoucheus, (part 2, *de jure fec.*, Sec. 8, Q. 12,) et ab Hispanis, judicatum inter res veritas esse, adeo propterea indignantibus Anglis, ut etiam contra Hispanos repressalias, concesserint. Sed an ea controversia de tabaco tandem in fumam abierit, nescio; hoc scio me Hispanis non conscentire, quia verum est tabaci nullum usum esse ad cædendum hostem."—*Bynkershoek, Quæst. juris publice, Lib. I. Cap.* X.

tion as the profit which springs from the productions of the soil. If it were possible to confine our commerce to the exportation of the surplus of our agricultural products, and to the introduction of those foreign articles of which we are in want, there is no man but would agree that it would be advantageous to carry on this trade by our own merchants, and in our own ships, as both the freight and the profit would be saved to the national stock. For instance, cotton, on which the average profit may be stated on every pound exported at not less than two and a half cents, and the freight at three cents. If, therefore, the carriage of this article is made in our own ships, we save on every pound of cotton exported five and a half cents, which, if transported by foreign merchants in foreign vessels, would go into the pockets of foreigners. The same thing may be said with regard to the importation of foreign commodities from foreign countries. There can, therefore, be no difference of opinion respecting the advantages of this, which may be called the direct carrying trade.

We now come to the second branch of the carrying trade, which has been so much reprobated; this consists in importing foreign products, and re-exporting the surplus of those products beyond our own consumption. This may be called the circuitous branch of it. Independent of the profit of this trade to the merchant, there are other advantages arising from it to the consumer. Where there is a fair competition in the market, an importation of any article much beyond the wants of the people, naturally tends to reduce the price, even although it should be intended to export the excess. For if the importer can get a reasonable profit, he will prefer selling at home to encountering the perils of the sea, and the uncertainties of a foreign market. A surplus of imported productions, therefore, is a circumstance which naturally brings them down to their minimum value. This is the first advantage, and is sensibly felt by the planter. The second arises from the peculiarity of our own situation. Most of the manufactures which we want are imported from England; the proceeds of our exports to other countries of Europe are ordered to Great Britain, and there constitute a fund from which the importing merchant pays debts due there. In proportion to the accumulation of this fund, the price of exchange falls, and the merchant is enabled to import more with the same capital; the quantity imported will exceed the demand here, and those manufactures will again be kept at their minimum value. These are the advantages to the consumer, and are but slightly connected with the mercantile profit on the trade. But there is an advantage independent of mere profit, which I have hinted at, but which has not been noticed in this debate—I mean the freight. From a statement on your table it appears, that in the foreign trade, six hundred and seventy thousand tons of American shipping are annually employed. The price of freight in time of peace from Great Britain to America might be estimated at £2 sterling per ton. Taking this as an average rate, if we reckon it at as much out, and calculate upon two voyages a year, this would be £8 sterling per ton; but supposing only half the shipping to be employed, and reckoning at this old peace average, the amount of freight would be upwards of eleven millions of dollars; seamen's wages may perhaps be not inaccurately estimated at about three millions of dollars, deducting which, it will be found on this moderate calculation that there is an annual benefit drawn from this freight-trade of eight millions of dollars. I ask, then, if this trade is not worth protecting? I might further show the advantage of this trade to the agricultural interest, by stating that the increase of capital from the profits of it enables the merchant to give a higher price for the productions of the planter and farmer.

The next question is, whether the course contemplated by the resolution will be adequate to procure a redress of the injuries of which we complain. In every discussion of this kind the first consideration is whether the measure which we are about to adopt will be the most distressing to ourselves or to our adversary, and the second, whether it will be such as to induce the Power injuring us to desist from her aggressions. I gave my reasons on a former occasion for believing that a total prohibition of British goods will not answer our purpose; I believe, however, the measure now proposed will. By the report of the Secretary of the Treasury, it appears that in the trade between this country and Great Britain there is a balance in her favor of twelve millions of dollars per annum. There are some considerations which induce me to think this estimate overrated. All goods paying ad valorem duties imported from the East Indies are estimated at the custom-house by adding twenty per cent. to their original cost, and those imported from Europe by adding 10 per cent. on the invoice price; deducting this advance from the amount of goods paying duties ad valorem, imported from British dominions, and the sum will be diminished two or three millions. The true balance of trade carried on in our own ships is best shown by the difference between the amount of goods imported at the cost at the places from which they are brought, and the amount of products exported at the places to which they are carried; and the freight always constituting a part of the price, a trade may be advantageous to a nation merely by saving the carriage. But the profit ought at least to be taken into view. I may be incorrect, but I believe not much, in supposing the profit on cotton exported to Great Britain to be two cents a pound, it would amount, upon an average of three years, to half a million of dollars per annum. This ought also to be deducted from the balance as reported by the Secretary. In this way the relative difference between the amount of exports and imports to and from the British dominions is materially diminished; and after this calculation I believe it will be found that this difference does not exceed ten millions of dollars. This excess of imports over exports must be made up from our trade to other countries—from our

trade to Holland, France, Spain, and so on. Nor is this source inadequate. Taking only two articles of our export to those countries—I mean cotton and coffee—of the first of which France takes about one-fourth of all which we ship, and making the same deductions which I have before stated on goods imported and paying duties ad valorem, and without calculating the profit on other articles, I think I may be warranted in stating the whole amount of our exports to all parts of the world, estimated upon the Secretary's report, for three years, at an average of seventy-two millions of dollars per annum, and our imports at seventy millions, leaving a balance to the United States of about two millions of dollars. This sum added to what I have said arises from our freight, namely, eight millions of dollars, produces a clear sum of ten millions of dollars as the annual average profit to the nation on our trade with the whole world. This is the fruit of thirteen years neutrality, and it is this sum which, accumulating in the hands of our merchants, has formed the capital which enables them to carry the commerce of the world, and effectually contradicts the charge of covering property.

If I am right in stating the balance of trade between us and Great Britain at ten millions of dollars in her favor, every step which we may take tending to reduce this balance, will so far operate to her injury. This may be done by adopting the course recommended in the resolution before us. In doing this, it behooves us to single out such articles as we can do without, or which we can procure from other countries. This will affect Great Britain without materially injuring ourselves. The prohibition in the resolution is confined to articles which may be got from the continent of Europe, or manufactured at home. In this way we may diminish the balance against us in our British trade, and if we could so far reduce it, it would be an annual loss to that nation of ten millions of dollars, while it would injure us but little. It will, therefore, be her interest to prevent the effects of this measure by desisting from her aggressions, and by adopting a system founded in justice and mutual advantage to the neutral and to the belligerent.

But while I am in favor of this resolution, I wish it had been accompanied by some measures connected with a permanent system of navigation laws, such as I had the honor of introducing. It is said, however, that your navigation is so far protected that foreign shipping is almost banished from your ports. This is true; but this effect does not flow from our commercial regulations. It arises from the circumstances of the times—from the war between the great maritime nations of Europe. Their ships must be armed; they must have more men; provisions with them are dearer than with us; they cannot sail as cheap as we can, and to this inability must be added the difference in the rate of insurance. These are the causes of the decrease of foreign tonnage in our trade. Another consideration shows that this effect does not proceed from our commercial regulations. Great Britain lays higher discriminating duties on goods imported into the United Kingdom, in American ships, than the difference paid in duties on goods brought to the United States in foreign and American vessels. On some articles it amounts to one-third of the duty; add to this that our vessels are charged port duties, light-money, and other duties much beyond those which are paid by her ships in our ports. Combining all these circumstances together, it will be found that American vessels, in the trade carried on to Great Britain, sail under great disadvantages from commercial arrangements, and are exposed to greater burdens in her ports than British vessels are in ours. The same observations apply in a great degree to our intercourse with the other belligerent Powers. Besides, we are prohibited from trading to the British colonies in our own ships. We are not permitted to go there unless by proclamations of their Governors, dictated sometimes by necessity, and often by caprice. By the English navigation act we cannot carry anything but articles of the growth or product of our own country, while we permit everything to be brought from Great Britain. I should suppose it would be right to meet her regulations by adopting reciprocal ones, and to prohibit any articles being brought by her vessels into the United States, which are not the growth, produce, or manufacture of the British dominions. I hope a provision of this nature will at some future day make a part of our permanent navigation system. I have declared myself in favor of the resolution on your table; yet, however inconsistent it may appear to some gentlemen, I must be indulged in expressing a hope that the final question will be delayed for a few days. It has been already said that a great length of time (nearly four months) has elapsed since we have heard from our Minister at the Court of Great Britain, and from the importance of the events which are passing on the great theatre of Europe, it is probable they will have no inconsiderable effect on her measures towards us. Our Minister is now engaged in a negotiation, the result of which I should wish to know before we act on this resolution. I therefore hope, that after we have made a little further progress in this discussion, the Committee will rise, and take some future time to deliberate on the subject.

Mr. EPPES hoped the Committee would not rise. The subject had been long before the Committee, and they were perfectly ripe for a decision; the subject pressed for a decision. After a vote on the resolution, a bill must be brought in, on every item of which a discussion may take place, and then it will still remain to be discussed in the other branch. As to any change of affairs in Europe, they ought to have no influence upon our affairs in this decision. I wish that Great Britain knew at this moment the step which the nation is about to take, that she might learn that when our rights are invaded, we will not hesitate to take measures for obtaining redress.

Mr. SMILIE likewise opposed the motion. He asked whether it became them to wait for a state

of affairs more favorable to Britain than the present, and whether the United States would then be enabled to meet her on better ground. Supposing even there was a probability of a favorable treaty being formed, it ought to have no influence on their decision, for it was known that as soon as a treaty was ratified, it became the law of the land, and repealed all interfering laws. One thing, however, was important, that even supposing a treaty to be formed, Great Britain should see we were determined not to be trampled on, but to resist her aggressions.

The motion for the Committee to rise having been rejected, the question was taken on the resolution originally proposed by Mr. NICHOLSON, when the Committee rose, and the House concurred in its adoption—yeas 87, nays 35, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, William Blackledge, John Blake, jr., Thomas Blount, Robert Brown, John Boyle, William Butler, George W. Campbell, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jr., Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, David Holmes, John G. Jackson, Thomas Kenan, Nehemiah Knight, Michael Leib, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, Joseph Winston, and Thomas Wynns.

NAYS—Silas Betton, Phanuel Bishop, James M. Broom, John Campbell, Levi Casey, Martin Chittenden, Leonard Covington, Samuel W. Dana, John Davenport, jr., Elias Earle, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Seth Hastings, David Hough, James Kelly, Joseph Lewis, jr., Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Timothy Pitkin, jr., Josiah Quincy, Thomas Sandford, John Cotton Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Daniel C. Verplanck, and Peleg Wadsworth.

Mr. EARLY moved that the resolution be referred to the Committee of Ways and Means to bring in a bill.

Messrs. ALSTON, SMILIE, LEIB, and SOUTHARD, opposed this reference, and advocated a reference to a select committee.

The motion of reference to the Committee of Ways and Means was disagreed to without a division; when the reference to a select committee of five members, composed of Messrs. MUMFORD, BIDWELL, SMILIE, EPPES, and ALSTON, obtained.

Mr. EARLY laid a resolution on the table, declaring it expedient, in the opinion of the House, to adjourn on the first Monday in April.

Mr. GREGG observed that as it appeared to be the sense of the House, not to go further this session than to carry into effect the resolution just agreed to, and as it was the wish of some gentlemen to discharge the Committee of the Whole from the resolution which he had had the honor to submit, he would move that the Committee of the Whole should be discharged from that resolution.

Mr. SLOAN having acquiesced in the same course with regard to his resolution, the Committee were discharged, without a division, from the further consideration of both those propositions.

These resolutions having been, by this vote, again brought before the House, Mr. EARLY moved to postpone them indefinitely, but withdrew his motion, on Mr. GREGG and Mr. SLOAN agreeing to withdraw their respective resolutions.

TUESDAY, March 18.

Mr. JACKSON, from the committee appointed, on the twenty-third of December last, on a Message from the President of the United States, transmitting a report from the Governor and Presiding Judge of the Territory of Michigan, relative to the state of that Territory, made a report thereon; which was read, and ordered to lie on the table.

Mr. JACKSON, from the same committee, presented a bill to provide for the adjustment of titles of land in the Territory of Michigan, and for other purposes; which was read twice and committed to a Committee of the Whole on Monday next.

A message from the Senate, informed the House that the Senate agree to the conference desired by this House on the subject-matter of the amendment proposed by the Senate to the bill, entitled "An act for the relief of Peter Landais," and disagreed to by this House; and have appointed managers at the said conference on their part.

POTOMAC BRIDGE.

The House proceeded to consider the amendments reported from the Committee of the whole House, on the fourth instant, to the bill authorizing the erection of a bridge over the river Potomac, in the District of Columbia: Whereupon, the amendments to the first, third, fourth, fifth, seventh, eighth, ninth, and tenth sections of the said bill being again read, were, upon the question severally put thereupon, agreed to by the House.

The amendment to the last proviso in the eleventh section of the said bill being under consideration, the said proviso was read, in the words following, to wit:

"*And provided further*, That, if the net annual revenue arising from the said tolls shall, at any time, exceed the average rate of —— per centum per annum upon the capital stock actually subscribed for, after de-

ducting the annual expense of keeping and maintaining the said bridge, properly repaired, and furnished with all necessary attendance and implements, of compensating the officers, agents, and servants, of the said company, and other incidental annual expenses in carrying on the business of the said company; then, and in that case, the rates of toll may be thereafter altered and regulated as Congress may judge proper; and the President and Directors of said company shall lay before Congress the annual accounts of their receipts and expenditures, as also of the capital employed in the erection of the said bridge:"

The question being taken that the House do agree with the Committee of the whole House in their amendment to fill up the blank in the said proviso, for the rate per centum therein to be allowed, with the words "twenty-four:" it passed in the negative—yeas 49, nays 53, as follows:

YEAS—George M. Bedinger, Silas Betton, James M. Broom, William Butler, Martin Chittenden, Christopher Clark, Joseph Clay, Matthew Clay, Elias Earle, Caleb Ellis, Ebenezer Elmer, James M. Garnett, Peterson Goodwyn, Silas Halsey, Seth Hastings, David Holmes, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, jun., Matthew Lyon, Thomas Moore, Jonathan O. Mosely, Joseph H. Nicholson, Josiah Quincy, John Rea of Pennsylvania, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, John Cotton Smith, Thomas Spalding, Richard Stanford, William Stedman, Samuel Taggart, Philip R. Thompson Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, John Whitehill, Eliphalet Wickes, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Willis Alston, junior, David Bard, Joseph Barker, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, George W. Campbell, John Campbell, John Chandler, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Samuel W. Dana, Ezra Darby, John Davenport, junior, William Dickson, Peter Early, James Elliot, William Ely, William Findley, James Fisk, Charles Goldsborough, Edwin Gray, Isaiah L. Green, John Hamilton, Michael Leib, Duncan MacFarland, Patrick Magruder, Josiah Masters, Nicholas R. Moore, John Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, Timothy Pitkin, junior, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smith, Samuel Smith, Henry Southard, Benjamin Tallmadge, Samuel Tenney, Joseph B. Varnum, Matthew Walton, Robert Whitehill, Marmaduke Williams, and Nathan Williams.

A motion was then made, and the question being put, to fill up the blank in the said proviso with the word "twenty," it was resolved in the affirmative.

The other amendments to the said eleventh section being under consideration, were, upon the question severally put thereupon, agreed to by the House.

A motion was then made, and the question being put, further to amend the said bill, by adding, at the end thereof, a new section, in the words following, to wit:

"*And be it further enacted,* That, in case said bridge should, at any time hereafter, be destroyed, and the corporate property of the said company should thereby prove insufficient to pay the debts owing by said company, each creditor of said company, after having obtained judgment against said company for the debt owing to him, may levy his execution on the persons or private property of the individuals composing said company at the time of the destruction of said bridge, and have satisfaction from each of said individuals for a sum that shall have the same proportion to the amount of said judgment as the share, or number of shares, in the said bridge, owned by the individual upon whom the execution be levied, bears to the whole number of active shares in the same:"

It passed in the negative—yeas 44, nays 65, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, David Bard, John Blake, jr., Thomas Blount, Robert Brown, George W. Campbell, John Campbell, John Chandler, Jacob Crowninshield, Samuel W. Dana, Ezra Darby, Peter Early, James Elliot, Caleb Ellis, William Findley, John Fowler, Charles Goldsborough, Isaiah L. Green, David Holmes, David Hough, Michael Leib, Duncan MacFarland, Patrick Magruder, Josiah Masters, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, jr., John Rhea of Tennessee, Thomas Sandford, James Sloan, John C. Smith, Samuel Smith, Joseph Stanton, Samuel Tenney, Thomas W. Thompson, Joseph B. Varnum, Peleg Wadsworth, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, and Marmaduke Williams.

NAYS—Evan Alexander, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William Blackledge, James M. Broom, William Butler, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jun., Frederick Conrad Richard Cutts, John Davenport, jr., William Dickson, Elias Earle, Ebenezer Elmer, William Ely, John W. Eppes, James Fisk, James M. Garnett, Peterson Goodwyn, Andrew Gregg, Silas Halsey, Seth Hastings, William Helms, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Joseph Lewis, jun., Matthew Lyon, Robert Marion, Nicholas R. Moore, Thomas Moore, Jonathan O. Moseley, Gurdon S. Mumford, Thomas Newton, jr., Joseph H. Nicholson, John Pugh, Josiah Quincy, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, John Russell, Peter Sailly, Martin G. Schuneman, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Eliphalet Wickes, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

The House proceeded further to amend the said bill: when, an adjournment being called for, the House adjourned.

WEDNESDAY, March 19.

A petition of sundry inhabitants of the county of Prince William, in the State of Virginia, was presented to the House and read, expressive of their wishes, and praying that the bill authorizing the erection of a bridge over the river Potomac, in the District of Columbia, may be passed into a law.

Ordered, That the said petition do lie on the table.

Mr. STANTON, one of the members from the

State of Rhode Island, presented to the House several resolutions of the General Assembly of the said State, disagreeing to certain resolutions of the Legislatures of the States of Kentucky and Pennsylvania, proposing an amendment to the Constitution of the United States, so as to confine the judiciary power of the courts of the United States to certain cases in the said resolution specified; which were read, and ordered to lie on the table.

Mr. Gregg, from the Committee on the Public Lands, to whom was referred, on the fourth ultimo, the memorial of the regents of the University of Orleans, made a report thereon; which was read, and ordered to be referred to a Committee of the whole House on Saturday next.

On motion, it was

Resolved, That the committee to whom was referred so much of the Message of the President of the United States "as relates to the organization and classification of the militia, and to the augmentation of our land forces, be directed to inquire into the expediency of passing a declaratory act relating to the exemption of mariners actually employed in the sea service of any citizen or merchant within the United States from militia duty; and that the committee have leave to report by bill, or otherwise.

The House resumed the consideration of the bill authorizing the erection of a bridge over the river Potomac, in the District of Columbia.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate, having been informed that the honorable James Jackson, Esq., one of the Senators from the State of Georgia, died yesterday, have appointed a committee to take order for superintending his funeral.

The House then proceeded to consider the said message: Whereupon,

Resolved, unanimously, That this House will attend the funeral of James Jackson, Esq., late a member of the Senate of the United States.

Resolved, unanimously, That the members of this House do wear mourning on the left arm for the space of one month, in testimony of their respect for the memory of that distinguished Revolutionary patriot.

CANAL AT THE RAPIDS OF THE OHIO.

Mr. Boyle, from the committee appointed, on the tenth ultimo, on the memorial of the Legislature of the State of Kentucky, made a report thereon; which was read, and referred to the Committee of the Whole, to whom was committed, on the fifth instant, the report of a select committee on the petition of the President and Directors of the Chesapeake and Delaware Canal Company. The report is as follows:

That, of the practicability of opening the proposed canal, and of its preference to one contemplated on the opposite side of the river, as well on account of the greater facility of its accomplishment, as of the superior advantages that would result to the navigation of the river, when accomplished, may, in the opinion of the committee, be correctly estimated by reference to a draught of part of the river, and notes explanatory thereof, which accompany the memorial. Of the immense utility of the proposed canal no one can doubt who reflects for a moment upon the vast extent of fertile country which is watered by the Ohio and its tributary streams, and upon the incalculable amount of produce which must, of course, necessarily find its way to market by descending that river and encountering the danger and difficulties of passing its rapids. But, besides the general advantages which would result from the completion of the proposed canal, it is, in the opinion of the committee, particularly interesting to the United States, inasmuch as it would greatly enhance the value of the public lands northwest of the Ohio. There can be but little doubt that, by the additional value it would give to the public lands, the United States would be more than remunerated for the aid which the Legislature of Kentucky have solicited.

From these considerations the committee would not hesitate to recommend a donation or subscription of shares to the amount contemplated by the law of the Legislature of Kentucky incorporating the Ohio Canal Company, if they believed the state of the public finances was such as to justify it. But, from the applications already made for aid in opening canals, it is probable that, if the United States enter upon expenses of this kind, those expenses cannot be inconsiderable; and, as the revenue of the United States is already pledged, almost to the full amount, for purposes, though not more useful, yet more urgent, the committee are induced to submit the following resolution:

Resolved, That it is inexpedient to grant, at present, the aid solicited by the Legislature of Kentucky, in opening a canal to avoid the rapids of the Ohio.

Thursday, March 20.

A Message was received from the President of the United States, communicating information in relation to innovations of Spanish troops on the Sabine. The Message was read, and, together with the documents transmitted therewith, ordered to lie on the table.

The Speaker laid before the House a letter and report from the Postmaster General, transmitting a list of the names of persons who have made contracts for carrying the mail of the United States, since the last day of December, one thousand eight hundred and four, showing the terms and duration of each contract, respectively; made in pursuance of a resolution of the House of the thirteenth instant; which were read, and ordered to lie on the table.

Mr. Clark, from the committee to whom was referred, on the fifth instant, a letter from the Secretary of the Navy, communicating the nature and extent of the services rendered to the captive crew of the late frigate Philadelphia, by his Danish Majesty's Consul at Tripoli, made a report thereon; which was read and considered: Whereupon, the resolution contained in the said report, in the form of a joint resolution of the two Houses being twice read at the Clerk's table, in the words following, to wit:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be

requested to cause to be made known to Nicholas C. Nissen, Esq., his Danish Majesty's Consul, residing at Tripoli, the high sense entertained by Congress of his disinterested and benevolent attentions manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

Ordered, That the said resolution be engrossed and read the third time to-morrow.

FRIDAY, March 21.

Several petitions of the inhabitants of the city of New York, signed by sundry of the said inhabitants, in behalf of the several wards of the said city, were presented to the House and read, praying that permanent defence for the city and port of New York, may be speedily commenced, on a scale that will insure protection against national hostility, or predatory incursions; and that the harbor of New York may be made the station of such ships of war as are not otherwise employed.—Referred to a Committee of the whole House on the state of the Union.

Mr. MUMFORD, from the committee appointed on the seventeenth instant, presented a bill to prohibit the importation of certain goods, wares, and merchandise; which was read twice, and committed to a Committee of the whole House on Monday next.

Mr. THOMAS, from the Committee on the Post Office and Post Roads, presented a bill further to alter and establish certain post roads; which was read twice and committed to a Committee of the whole House on Monday next.

The SPEAKER laid before the House a letter from the Postmaster General, showing the obstructions to the transmission of the mail from Athens, in the State of Georgia, to New Orleans; and giving an estimate of the probable expense of opening a horse road between the same points, made in pursuance of a resolution of the House, of the seventeenth instant; which were read, and referred to the Committee of the whole House, to whom was committed, on the twentieth ultimo, the bill making appropriations for the support of Government, for the year one thousand eight hundred and six.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill for erecting certain light-houses in the State of Massachusetts, and for building a beacon or pier at Bridgeport, in the State of Connecticut; which was read twice and committed to a Committee of the Whole House on Monday next.

The engrossed resolution, in the form of a joint resolution of the two Houses, expressive of the sense of Congress of the disinterested and benevolent attentions of his Danish Majesty's Consul at Tripoli, to Captain Bainbridge, his officers, and crew, during their captivity at Tripoli, was read the third time.

Resolved, unanimously, That the said resolution do pass, and that the Clerk of this House do carry the same to the Senate, and desire thir concurrence.

Mr. EARLY offered the following resolution:

Resolved, That the standing and select committees be directed to report on all the business heretofore referred to them, and now depending, before the last Wednesday of the present month.

Mr. J. C. SMITH opposed this motion, and suggested the propriety of acting on the resolution relative to an adjournment.

Mr. EARLY withdrew his motion, and said that he would pursue this course.

Mr. E. then withdrew the resolution offered by him a few days since, relative to an adjournment, and substituted in lieu thereof a resolution directing the President of the Senate and the Speaker of the House of Representatives to adjourn the two Houses on the first Monday of April.

Mr. SMILIE moved a postponement of the consideration of this resolution until Monday week, to allow, in the interim, time for the adoption of the national business before the House.

Mr. EARLY disclaimed any intention to defeat the measure alluded to by the gentleman from Pennsylvania.

After some further debate the motion of postponement prevailed.

RULES OF THE HOUSE.

Mr. THOMAS said he wished to submit a motion to amend the rules of the House and he would, in a few words, state the reason which influenced him.

The bill, said Mr. T., for a partial non-importation of the products and manufactures of Great Britain, is now before us, and we shall soon be again engaged on the subject of our differences with that nation: a subject which has been, and probably will be again, embraced as a theme on which much of the precious time of this House has been spent, and I think its dignity prostrated; in talking about, and animadverting on all the little local party divisions, which have been artfully attempted to be raised in different sections of this Union by designing individuals and newspaper writers, but which, as to principle, do not in reality exist: in attempting, by low epithets and personal allusions, to criminate the present Chief Magistrate of this country, who not only possesses the entire confidence, and is the pride and boast of almost unanimous America, but has been eulogized throughout Europe, and the whole civilized world, for the salutary measures which he has recommended and adopted, to lessen his own patronage, to lighten the burdens of the people, to preserve peace, and to render their independence, freedom, and happiness, permanent and secure, and whose political life will be transmitted to posterity, in the fairest pages of history, as a model of public virtue, and true patriotism: In canvassing for the election of another President; in attempting to excite jealousies, and disturb the harmony and unanmity of the nation, at this momentous crisis—besides the low personal abuse, which, while that subject was before under consideration, has been levelled at a great number of the most respectable members of this House—all of which, I deem a gross violation of its dignity, and the honor of the nation,

and which I will set my face against, while I am honored with a seat on this floor.

Our rules, on this subject, are either misconstrued or they are defective—I shall, therefore, propose an alteration.

But by this, said Mr. T., I wish not to be understood, as having any reference to the low invectives directed at myself, the other day, by a member, whom I, exercising a Constitutional right, called to order, when, in my opinion, he was outraging decency and decorum—for I viewed that only as a stroke in the desperate struggle of one, who, from disappointment and chagrin, was politically strangled by his own hands, and just expiring. I feel far above being affected by anything of this kind, individually, but I feel for the dignity of this House and for the reputation of the American Government—and in order, if possible, to prevent this kind of transgression in future, by bringing questions of order fairly before the Chair and the House, I will submit the following resolution:

Resolved, That when a member is called to order by another, he shall immediately sit down, and the member calling the other to order shall then be allowed to state the points which he objects to, as being out of order, so that the decision of the Chair and the House may be taken thereon.

The resolution was ordered to lie on the table.

POSTMASTER GENERAL.

Mr. CLARK said: Mr. Speaker, I rise to lay a resolution on the table, which I have for some time past kept in my drawer. I will do this with a view of affording this House an opportunity of exercising one of its Constitutional powers. I consider the House of Representatives as the immediate guardians of the rights of those whom they represent. They are more dispersed throughout the United States than any other class of public men, and from them on their return home the people may rationally expect a more complete information of what is passing here than from any other persons. In so extensive a country there is a better chance of their affairs being known through this organ than through licentious presses. With regard to the public character, who is the object of this resolution, I have long had suspicions, and I have since found, from what I consider good authority, these suspicions confirmed. I have good reason to believe that a man high in office, no other man than the Postmaster General of the United States, has been combining and machinating against the representatives of the people, and that he has used his efforts to seduce a press (Mr. CLARK is understood to have alluded to the Aurora) to aid him in a claim depending before this House. I know of one authority which could relieve this House from the necessity of discharging what may be considered an unpleasant duty, by getting rid of what may be called a public nuisance—I mean the President of the United States. It is because I believe that great and good man, whose greatest fault, if he has a fault, consists in his goodness, has not been fully informed on this subject, that this course is rendered necessary. I have such confidence in the President, that I believe, if he had received this information, he would not have suffered his officer to remain a moment in place. But good, just, and honest himself, he listens to earwigs who surround him, who extol this officer, and whisper sweet things in his favor. I think it is a duty I owe to the Government to take this step. As to the representative part of it I have little apprehension, as I know that in case of misconduct the election screw, that admirable feature of the system, will apply an abundant remedy. But when an officer in the Executive Department is found to be undeserving of confidence it is right that the people should know it; and, with the convictions I entertain, I should not do my duty if I did not make this motion, before the end of my political life, which may in a few days expire—I therefore submit the following resolution:

Resolved, That a committee be appointed to inquire into the conduct of Gideon Granger, Postmaster General of the United States, and report their opinion whether the said Gideon Granger hath so acted in his capacity of Postmaster General, as to require the interposition of the Constitutional power of this House.

The House having agreed to consider this resolution,

Mr. DANA suggested the expediency of letting it lie for a day, as an important principle was involved in its adoption.

Mr. CLARK replied, that though he felt the strongest disposition to be obliging, he could not agree to the postponement. The session was pressing towards a close, and there was no time to be lost. The inquiry ought to be made, that the officer implicated might, if innocent, be acquitted; and if guilty, be dismissed from office.

Mr. JACKSON hoped the resolution would not be permitted to lie unacted on. It is certainly a duty due by gentlemen on this floor, as well to their constituents, as to the gentleman inculpated, to call for an investigation. This duty my colleague has now undertaken, and I rejoice at it; for when this same officer was accused at a former session, and asked an inquiry into his conduct, we were told he should not be indulged in that high honor. I trust his conduct will now be inquired into; that if guilty, he will be removed from office, or if innocent, he may be honorably acquitted.

Mr. LYON was likewise in favor of an immediate agreement to the resolution, and remarked that it was exactly the thing solicited the last session by the Postmaster General.

Mr. SMILIE said it was proper that an inquiry should be made whenever there were any allegations of criminality; without such allegations he was not ready to vote for this inquiry—should they be made he should be ready to vote for it.

Mr. CLARK said he had stated, what he thought would have been distinctly heard throughout the House, that he had been well informed, and which he believed could be established by unexceptionable testimony, that the Postmaster General had conspired against the representatives of the people by attempting to seduce a press in favor of a claim he had before the House.

Mr. SMILIE observed that he had not before

heard this allegation stated; having heard it, he was ready to vote in favor of the inquiry.

Mr. SLOAN said the resolution ought to unite all descriptions of members in its favor—those friendly to its object, those inimical to it, and if there were any, those neuter to it; especially after the request made by the Postmaster General at the last session to the same effect.

The resolution was then agreed to without a division, and a committee of inquiry appointed, consisting of Messrs. CLARK, ROGER NELSON, BIDWELL, J. CLAY, PITKIN, D. R. WILLIAMS, and CLINTON.

POTOMAC BRIDGE.

An engrossed bill to authorize the erection of a bridge over the river Potomac, in the District of Columbia, was read the third time; and on the question that the said bill do pass, it was resolved in the affirmative—yeas 61, nays 52, as follows:

YEAS—Evan Alexander, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, William Blackledge, John Boyle, William Butler, Levi Casey, Martin Chittenden, John Claiborne, Chris. Clark, Matthew Clay, Orchard Cook, Elias Earle, Ebenezer Elmer, William Ely, James Fisk, James M. Garnett, Peterson Goodwyn, Silas Halsey, Seth Hastings, William Helms, David Hough, Walter Jones, James Kelly, Nehemiah Knight, Joseph Lewis, junior, Matthew Lyon, William McCreery, Nicholas R. Moore, Thomas Moore, Jonathan O. Mosely, Thomas Newton, jun., Joseph H. Nicholson, Josiah Quincy, John Randolph, Thomas M. Randolph, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, Eliphalet Wickes, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Isaac Anderson, David Bard, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, George W. Campbell, John Campbell, John Chandler, Jacob Crowninshield, Samuel W. Dana, John Davenport, jun., John Dawson, William Dickson, Peter Early, James Elliot, Caleb Ellis, John W. Eppes, William Findley, John Fowler, Charles Goldsborough, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, David Holmes, Duncan MacFarland, Patrick Magruder, Robert Marion, Josiah Masters, Jeremiah Morrow, John Morrow, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, junior, John Rea of Pennsylvania, John Rhea of Tennessee, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Thomas W. Thompson, Joseph B. Varnum, Matthew Walton, John Whitehill, David R. Williams, and Marmaduke Williams.

About 2 o'clock Mr. D. R. WILLIAMS said he had a motion to make, which required the galleries to be cleared. They were accordingly cleared.

SATURDAY, March 22.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," with several amendments; to which they desire the concurrence of this House.

A petition of sundry inhabitants of the Territory of Louisiana was presented to the House and read, praying that an amendment may be made to the act, entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans, and the District of Louisiana," confirming all *bona fide* concessions of land to the inhabitants of the said Territory, prior to the cession thereof to the United States; that the benefits contained in the second section of the said act may be extended to all heads of families who were employed in the cultivation of the earth for themselves and others, anterior to the aforesaid cession; that a grant of two hundred acres of land may be made to each person resident within the said District for sixteen years and upwards; and that the time for entering and recording the claims and titles to land within the Territory of Louisiana may be extended to the first day of March, one thousand eight hundred and seven.—Referred to the Committee on the Public Lands.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a list of bills drawn by the Minister Plenipotentiary of the United States at Paris, on the Treasury of the United States, for claims embraced by the convention with the French Republic, of April thirtieth, one thousand eight hundred and three, which have been presented at the Treasury, previous to the fourteenth of March, one thousand eight hundred and six; in pursuance of a resolution of the House of the thirteenth instant; which were read, and ordered to lie on the table.

Mr. TALLMADGE, from the committee to whom was referred, on the sixth instant, the amendments proposed by the Senate to the bill, entitled "An act relating to bonds given by marshals," reported to the House their agreement to the same, with several amendments.

The House proceeded to consider the said amendments: Whereupon,

Resolved, That this House do agree to the same.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, to whom were referred, on the twenty-fourth, thirtieth, and thirty-first of December, and on the second and sixteenth of January last, sundry petitions of purchasers of public lands in the State of Ohio, and in the Indiana Territory, made a report thereon; which was read, and ordered to be referred to a Committee of the whole House on Monday next.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives:" Whereupon, the said amendments, together with the bill, were committed to Mr. LEIB, Mr. TRIGG, and Mr. SEAVER.

Mr. JACKSON moved the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to lay before the House a statement of the quantity of lands sold in the State of Ohio, in each year, from the thirtieth day of June, one

thousand eight hundred and two, up to the period of the last returns made to the Treasury Department, with the amount for which they were sold:

Ordered, That the said motion do lie on the table.

RULES OF THE HOUSE.

The House resolved itself into a Committee of the Whole on the report of the committee to whom was referred, on the seventh ultimo, a resolution to inquire into the expediency of amending the standing rules and orders of the House, so far as to prescribe the mode of keeping the Journals; and, after some time spent therein, the Committee rose and reported to the House their agreement to the same, in the words following, to wit:

"That the name of the member who presents a petition, or memorial, or who offers a resolution to the consideration of the House, be inserted on the Journals."

"That every written motion made to the House be inserted on the Journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted:" Whereupon,

Resolved, That this House do agree to the said report, to be established as amendments to the standing rules and orders of the House.

COAST OF NORTH CAROLINA.

The House went into a Committee of the Whole on the bill directing the Secretary of the Treasury to cause to be surveyed the coast of North Carolina, between Cape Hatteras and Cape Fear.

Mr. CROWNINSHIELD advocated the principle of the bill, and observed that he hoped the measure contemplated by it would be the commencement of a system for surveying the whole coast, by which, he had no doubt, many lives and much property would be saved.

The bill appropriates five thousand dollars for the survey.

No opposition having been made, the Committee rose, and the House ordered the bill to a third reading on Monday.

CUMBERLAND ROAD.

The House having agreed to consider the bill from the Senate for laying out a road from Cumberland, in the State of Maryland, to the State of Ohio, Mr. LEIB moved to postpone the bill indefinitely.

Mr. CLARK supported this motion. He thought there was not sufficient time to act on the bill during this session. He declared his wish to be to lay out three roads, one from some point in Pennsylvania, one from some point in Maryland, and one from some point in Virginia, expending, in the first instance, an adequate sum on the middle road, and afterwards appropriating a like sum to each of the other roads.

Mr. JACKSON gave a concise history of the fund from which the making of roads to Ohio is to be effected; and stated his opinion that, inasmuch as the compact with Ohio provided for the laying out "turnpike or other roads," it would be a violation of it to lay out a single road. Mr. J. regretted that the subject had been so long delayed, and observed that when it was previously before the House, he had meant to offer a resolution calling on the Secretary of the Treasury for the amount of the lands sold since June 30, 1802; in which purpose he had been frustrated by an adjournment. Fearing that the subject would not this session be deliberately examined, from its competition with other important objects, and believing that the bill contained an exceptionable principle, he should concur in the motion of postponement.

Mr. BEDINGER opposed the postponement, and advocated the bill. He observed that he was well acquainted with the route contemplated in the bill, and he considered it the shortest and best for the general interests of the Union.

Mr. R. NELSON likewise opposed the postponement, and advocated the bill, whose object was, he thought, as important as that of any business before the House. He viewed the idea of the compact being violated by, in the first instance, laying out one road instead of three as strange and unfounded—inasmuch as the laying out one road did not supersede the right of afterwards laying out another. Mr. N. further advocated the bill as fixing a route most convenient to the three States of Pennsylvania, Maryland, and Virginia.

Mr. JACKSON said he was not adverse himself to acting on this business this session, if he could be convinced that the House would pay to it a full and dispassionate attention. He was, however, persuaded this would not be the case. Mr. J. spoke also at some length against the route contemplated by the bill, and the inadequacy of the fund to forming so vast and difficult a turnpike.

Mr. LYON opposed the postponement, and advocated the bill, under the impression that the route proposed would be of great benefit to the Western people.

Mr. CONRAD supported the postponment, on the idea that the proper course of proceeding was for the States first to lay out roads, and for Congress then to aid them by appropriating this fund. He thought it was desirable that there should be three roads, one from each of the States of Pennsylvania, Maryland, and Virginia.

Mr. LEIB was against the bill, because he considered the measure contemplated by it premature. What authority have Congress to lay out this road before they have obtained the consent of the States? Considering the expense of laying out this route, he looked upon the bill as merely making an appropriation for the benefit of commissioners and chain-carriers.

Mr. MORROW, of Ohio, believing this road would be conducive to the interests of the Western people, that it was the best and most direct route, and that the fund would be adequate to the object, was adverse to the postponement, and in favor of the bill.

Mr. FINDLEY believed the best way was to appoint disinterested Commissioners, and after re-

ceiving their report, to designate the route. He said he had travelled this road, and believed that a better one could be designated. He should, therefore, vote for the postponement, and then in favor of appointing Commissioners, should that measure be proposed.

Mr. SMILIE was opposed to a postponement.

Mr. LEWIS took nearly the same ground with Mr. FINDLEY.

When the question on an indefinite postponement was taken by yeas and nays, and lost—yeas 51, nays 59, as follows:

YEAS—Isaac Anderson, David Bard, Burwell Basset, Barnabas Bidwell, John Blake, jun., Robert Brown, William Butler, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Frederick Conrad, Elias Earle, Ebenezer Elmer, John W. Eppes, William Findley, James M. Garnett, Peterson Goodwyn, Isaiah L. Green, William Helms, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Michael Leib, Joseph Lewis, jun., Josiah Masters, Thomas Moore, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sammons, Ebenezer Seaver, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, David Thomas, Philip R. Thompson, Abram Trigg, Robert Whitehill, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Willis Alston, jun., Joseph Barker, George M. Bedinger, Silas Betton, William Blackledge, Thomas Blount, James M. Broom, John Boyle, John Campbell, Orchard Cook, Leonard Covington, Jacob Crowninshield, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, Peter Early, James Elliot, Caleb Ellis, William Ely, James Fisk, John Fowler, Charles Goldsborough, Silas Halsey, John Hamilton, Seth Hastings, David Hough, James Kelly, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Joseph H. Nicholson, Timothy Pitkin, jun., Josiah Quincy, Thomas M. Randolph, John Russell, Thomas Sandford, John Smilie, John Cotton Smith, Henry Southard, Thomas Spalding, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, John Whitehill, Eliphalet Wickes, and David R. Williams.

Mr. JACKSON moved a postponement to Monday, with the view of obtaining information from the Secretary of the Treasury of the quantity of land sold since the 30th of June, 1802.

Mr. MORROW, of Ohio, hoped the postponement would not prevail. He stated that the information desired was before the House, considered it as sufficient to act on, and remarked that there would exist a fund of near forty thousand dollars on the 1st of next October.

On postponing the bill till Monday, the House divided—yeas 51, nays 56.

Mr. CLAIBORNE moved a recommitment of the bill to a select committee, considering the information before the House as not satisfactory.

Mr. CLARK supported the motion, on which the House divided—yeas 50, nays 58.

The House then took up the amendments agreed to in Committee of the Whole.

Mr. JACKSON spoke at considerable length against the route designated in the bill, and concluded by offering a proposition amendatory of an amendment of the Senate—allowing a discretion to lay out the road at any point between Steubenville and Grave river, on the Ohio—so as to allow a like discretion with that contemplated on the Potomac, between the points of Cumberland and Western Port.

The House concurred in the amendment of the Committee of the Whole, and non-concurred in that of Mr. JACKSON.

Mr. CLARK offered a motion which went to modify the bill, so as to direct the laying out three roads instead of one.

The SPEAKER declared this motion out of order, as it affected an amendment already agreed to.

Whereupon a question to reconsider the amendment, in order to try the sense of the House on Mr. CLARK's motion, was taken, and lost—yeas 44, nays 47.

Mr. JACKSON moved to recommit the bill; which motion having been negatived, the bill was ordered to a third reading on Monday.

MONDAY, March 24.

A message from the Senate informed the House that the Senate adhere to their amendment, disagreed to by this House, to the bill, entitled "An act for the relief of Peter Landais."

Mr. J. C. SMITH, from the managers appointed on the seventeenth instant, on the part of this House, to attend a conference with the Senate on the subject-matter of the amendment depending between the two Houses to the last-mentioned bill, made a report; on which, the House proceeded to reconsider the amendment of the Senate disagreed to by this House to the said bill: Whereupon,

Resolved, That this House doth recede from their disagreement to the said amendment.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for establishing rules and articles for the government of the Armies of the United States: Whereupon,

Resolved, That this House doth disagree to the amendment of the eighty-ninth article of the said bill, which proposes to strike out the word "fifty," and to insert, in lieu thereof, the words "one hundred;" and, also, to so much of the last amendment of the said bill as is contained in the words following, to wit: "including the manner of wearing the hair: but this power shall not be exercised over the militia."

Resolved, That this House doth agree to all the other amendments proposed by the Senate to the said bill.

A message from the Senate informed the House that the Senate agree to the two first amendments of this House to the amendments proposed by the Senate to the bill, entitled "An act relating to bonds given by Marshals," and disagree to the third of the said amendments.

Mr. Leib, from the committee to whom was referred, on the twenty-second instant, the amendments of the Senate to the bill, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives," reported to the House their agreement to the same, without amendment.

The House proceeded to consider the amendments proposed by the Senate to the said bill: Whereupon,

Resolved, That this House doth disagree to the amendment proposed to be inserted as the second section of the said bill.

Resolved, That this House doth agree to the other amendments of the Senate to the said bill.

Mr. Nelson, from the committee appointed on the twenty-seventh of December last, presented a bill making a further appropriation towards completing the south wing of the Capitol, at the City of Washington; which was read twice, and committed to a Committee of the whole House tomorrow.

The House resolved itself into a Committee of the Whole, on the bill prescribing the effect in each State of the records of judgments and decrees of the courts of record of every other State. The bill was reported without amendment, and the further consideration thereof postponed until tomorrow.

An engrossed bill directing the Secretary of the Treasury to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed, was read the third time and passed—ayes 74.

CUMBERLAND ROAD.

A bill for laying out and making a road from Cumberland, in Maryland, to the State of Ohio, was read the third time.

Mr. Holmes moved to postpone the bill indefinitely, and observed, that, if this motion prevailed, he should offer a motion for the appointment of commissioners, by the President, to explore a route.

Messrs. Sloan, Bard, Clark, Olin, Findley, and Jackson, supported; and Messrs. McCreery, Bedinger, Lyon, and R. Nelson, opposed this motion; which was disagreed to—yeas 52, nays 64, as follows:

Yeas—Isaac Anderson, David Bard, Burwell Bassett, Robert Brown, William Butler, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, Frederick Conrad, Orchard Cook, Elias Earle, Ebenezer Elmer, William Findley, James M. Garnett, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, William Helms, David Holmes, John G. Jackson, Thomas Kenan, Nehemiah Knight, Michael Leib, Joseph Lewis, jr., Josiah Masters, Thomas Moore, John Morrow, Thomas Newton, jr., Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Ebenezer Seaver, James Sloan, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Nays—Evan Alexander, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, Thomas Blount, James M. Broom, John Boyle, John Campbell, George Clinton, jr., Leonard Covington, Jacob Crowninshield, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, Peter Early, James Elliot, Caleb Ellis, William Ely, James Fisk, John Fowler, Charles Goldsborough, Silas Halsey, John Hamilton, Seth Hastings, David Hough, James Kelly, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Joseph H. Nicholson, Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, Thomas Sandford, John Smilie, John Cotton Smith, Henry Southard, Thomas Spalding, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, David R. Williams, and Nathan Williams.

And then the main question being taken that the said bill do pass, it was resolved in the affirmative—yeas 66, nays 50, as follows:

Yeas—Evan Alexander, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, Thomas Blount, James M. Broom, John Boyle, John Campbell, Martin Chittenden, George Clinton, jr., Leonard Covington, Jacob Crowninshield, Ezra Darby, John Davenport, jr., John Dawson, William Dickson, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, James Fisk, John Fowler, Charles Goldsborough, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, James Kelly, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Joseph H. Nicholson, Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, Thomas Sandford, John Smilie John Cotton Smith, Henry Southard, Thomas Spalding, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, David R. Williams, and Nathan Williams

Nays—Isaac Anderson, David Bard, Burwell Basset, Robert Brown, William Butler, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, Frederick Conrad, Orchard Cook, Elias Earle, William Findley, James M. Garnett, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, William Helms, David Holmes, John G. Jackson, Thomas Kenan, Nehemiah Knight, Michael Leib, Joseph Lewis, jr., Josiah Masters, Thomas Moore, John Morrow, Thomas Newton, jr., Gideon Olin, John Pugh, John Rea of Pennsylvana, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Ebenezer Seaver, James Sloan, John Smith, Samuel Smith, Richard Stanford, Philip R. Thompson, Uri Tracy, Abram Trigg, John Whitehill, Robert Whitehill, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Tuesday, March 25.

Mr. Roger Nelson presented to the House a petition of sundry officers of the Army, serving in the district of Louisiana, which was received and read, praying an augmentation of the pay allowed them by law.

Ordered, That the said petition be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage;" which was read twice, and committed to a Committee of the whole House on Thursday next.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to explain the fifth section of an act, entitled 'An act to divide the Indiana Territory into two separate governments;" to which they desire the concurrence of this House.

On a motion made by Mr. DAVID R. WILLIAMS, that the House do come to the following resolution:

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the Postmaster General be directed to cause the Post Office, for the City of Washington, to be kept, after the —— day of ——, next, at or near the Capitol.

Ordered, That the said motion do lie on the table.

The House proceeded to consider their amendment, disagreed to by the Senate, to the last amendment of the Senate to the bill, entitled "An act relating to bonds given by marshals:" Whereupon,

Resolved, That this House doth insist on their said amendment to the amendment.

IMPORTATION OF BRITISH GOODS.

On motion of Mr. MUMFORD, the House resolved itself into a Committee of the Whole, on the bill prohibiting the importation of certain British goods, wares, and merchandise.

The articles enumerated in this bill are the same as those contained in the resolution on which it was framed. [See *ante*, page 451.]

Mr. MUMFORD moved to fill the blank, left for the time when the bill is to take effect, with the 15th of November next.

Mr. J. CLAY moved the first of January, and

Mr. CROWNINSHIELD the first of July.

Mr. MUMFORD said, while they were charging a foreign Government with surprising their commerce, he hoped they would not do the same thing themselves. He was, therefore, opposed to the first of July, and in favor of the 15th of November.

Mr. BIDWELL spoke in favor of filling the blank with the 15th of November, and

Mr. BLACKLEDGE in favor of the 1st of July.

On agreeing to the first of January, the House divided—ayes 37, noes 67; the Federal members voting in the affirmative.

On agreeing to the 15th of November, 64 members rose on the affirmative side—carried. On this question, the Federal members likewise voted in the affirmative.

On motion of Mr. MUMFORD, a blank was filled, so as to make the section, amended, read as follows:

"Woollen cloth, whose invoice price shall exceed five shillings sterling per square yard."

Mr. J. CLAY moved to add to the enumerated articles "blank books;" which motion was disagreed to—ayes 39, noes 51.

A motion, made by Mr. BARKER, to add "iron hollow ware," shared the same fate—ayes 38, noes 56.

After some further amendments, not touching the principle of the bill, the Committee rose and reported their agreement to the bill.

The House immediately considered, and agreed to the amendments, and ordered the bill to be engrossed for a third reading to-morrow, without a division.

DEFENCE OF PORTS AND HARBORS.

On motion of Mr. DAWSON, the House resolved itself into a Committee of the Whole on the state of the Union, on the resolutions for the better protection of our ports and harbors, referred to them by order of the House, of the twenty-third of December last, in the words following, to wit:

"1st. *Resolved*, That a sum of money, not exceeding one hundred and fifty thousand dollars, be appropriated to enable the President of the United States to cause our ports and harbors to be better fortified and protected against any insult or injury.

"2d. *Resolved*, That a further sum of money, not exceeding two hundred and fifty thousand dollars, be appropriated to enable the President of the United States to cause to be built a number of gunboats, not exceeding fifty, for the better protection of the harbors, coasts, and commerce of the United States.

"3d. *Resolved*, That a further sum of money, not exceeding six hundred and sixty thousand dollars, be appropriated to enable the President of the United States to cause to be built six line-of-battle ships, to be added to the Naval Establishment of the United States."

The first resolution for appropriating $150,000 for the better protection of ports and harbors, was agreed to without debate—ayes 63, noes 60.

The second resolution was read, for the appropriation of $250,000 for the building of gunboats.

Mr. DAWSON moved to strike out this sum, and leave a blank, with the view of filling it with a larger sum in case the third resolution should be disagreed to.

This motion was disagreed to—ayes 36.

When the resolution was agreed to—ayes 72.

The third resolution was read, appropriating $660,000 toward the building of six line-of-battle ships.

Mr. NEWTON moved to strike out $660,000, and line-of-battle ships, so as to confine the resolution to an appropriation, generally, for naval purposes.

This motion was lost—ayes 10.

Mr. MASTERS.—When the resolution brought before this House by the honorable gentleman from Pennsylvania was under consideration, I opposed that resolution, because I thought it was a system we could not abide by, and because it

would injure this nation more than Great Britain, against whom it was intended to operate, and had a natural tendency to retaliation, revenge, and hostilities between the two nations. When the resolution was under consideration brought forward by the honorable gentleman from Maryland, I voted for it, as a system by which we could abide; and it might alarm the British nation, that the course of trade would be turned into other channels; though I thought the measure taken, abstractly too weak to have the desired effect, I voted for it with a hope that the measure would be strengthened, by fortifying our ports and harbors, increasing our navy, and making such preparations as to command more respect among foreign nations, and thereby aid and assist our negotiations, and have a tendency to preserve peace. Such is the course I wish to pursue for the interest of this nation, in order to maintain our independence which we have acquired, and preserve national security and existence, and prevent our industry and capitals employed in commerce, which is the resource of all our revenue, from being swallowed up by foreign depredations: but opposition appears from various quarters of the House. I have heard it said "if you build seventy-four-gun ships, you must build enough to meet the European navies." It cannot be intended for our infant navy to meet them in fleets, but it will serve as an additional defence to our ports, and prevent single ships or a number of ships from blockading our harbors, impressing our seamen, and hovering on our coasts, searching and plundering our vessels and thereby hinder such injuries and insults; which they cannot commit unless they send out fleets for that purpose, which will not be for their interest to do, because it will not quit their cost.

I have also heard it said, "if you build seventy-four-gun ships they dare not go out of port, because they will be taken." This argument reminds me of a boy who was put to school to get an education, and grow up in learning, and become a useful citizen in community. After being at school a space of time, he ran home. He then was asked what he came home for; he said, he did not like to go to school: was asked the reason; he replied he did not like to be whipped. He was asked if he had been whipped; he answered, oh! no, but he was afraid he should be. Though our navy has not yet been whipped, the gentleman is afraid it will be; therefore, does not want to build seventy-four-gun ships, nor increase our navy to grow up and protect commerce.

At the commencement of this session, from the spirit of the Message of the Executive, which I believe the most popular Message that ever came from the President of the United States, and from the spirit and zeal both out of doors and in the House, it seemed as though there was an anxiety to press forward to the charge, and fight England, France, and Spain, all at once. When we come to bring energetic measures to the test, how are they likely to turn out? I am afraid we shall whittle down those measures into contempt and humiliation. We have appropriated only the sum of one hundred and fifty thousand dollars to fortify our ports and harbors on an extensive seacoast, of near two thousand miles, and passed a resolution for building a few gunboats. This is the main, unless you adopt the resolution immediately under consideration.

Our farmers will begin to complain presently as well as the merchants, for agriculture will necessarily fall with the ruin of commerce and trade; and it appears to me that neither commerce nor agriculture can flourish without protection; and the increase of commerce is the increase of our revenue, which is the increase of national wealth, and agricultural industry naturally goes with it, and cannot possibly increase without it; that interest improves in proportion to the encouragement it receives, and that encouragement is derived from the liberal price of produce which is derived from an extensive commerce, which betters the condition and gives a spring to agricultural industry and mutual encouragement to both.

The progress of agricultural industry in commercial nations is generally proportionate, which makes our large cities and towns. The capital employed in our market towns must be in proportion to the country; otherwise it operates to the disadvantage of agriculture. To widen the market is generally for the benefit of the public, but narrowing the competition must always be against it. The produce of the farmer is limited to the extent of the market; if the market is small the price is low; extend your commerce and you extend the market. The growing improvement and cultivation of the soil advances with the commerce and wealth of the country. Arts and industry of every kind, with commerce, combine and advance together, and a nation grows rich by it; and the price of agricultural industry is more liberal and better rewarded in a society advancing to opulence than in one which is standing still or decaying.

A nation which neglects protection to commerce and despises it, cannot transact the same quantity of business which might otherwise be done; and the Government ought to protect and encourage the merchant to pursue his own lawful interest, according to his own judgment; that he may enjoy in perfect security the full recompense of his industry. It never can be for the benefit of the farming interest to discourage or distress the industry of the mercantile States, because it serves to sink the real value of the surplus produce, and consequently the improvement and cultivation of the soil. If you neglect protection, you indirectly invite aggressions and discourage that very interest which you mean to promote. How are our citizens to procure money? It is foreign coin which circulates in this country, for the most part, and not our own; it is that which regulates more or less the whole business of common life; and the quantity of money naturally increases in every country with the increase of the wealth. The surplus of the country will not sell without a capital to purchase; on this depends in an essential and great degree the wealth of the nation. Though the superabundant produce of the country is an object

of foreign commerce, it is not so great an object as to induce other nations into our ports for it, because they can obtain the same produce elsewhere.

It has been observed by an honorable member on this floor "that he conceived the increase of our navy as the beginning of the business;" by which I understand the beginning of the business under this Administration; and I never knew that this Administration, or any other Administration, or any political party, were opposed to protecting commerce, and increasing our navy for that purpose, when it became necessary for the good and welfare of the nation. Is it not now necessary—is it not now time to awaken from this golden dream in which we have so long slept, when foreign nations have become so jealous and envious as to depredate and attempt to annihilate our commerce; when privateers and pirates infest our coasts; when national armed vessels blockade our harbors, and drag our seamen from their families and country? Must we look calmly on and say protect yourselves? Is this the answer to be given to our citizens? Commerce protect itself! Is this legislating for the interest of the people of this nation? God forbid! It is unsuitable to the nature of Government; it is contrary to the laws of society, and the very principles upon which society is formed; and I hope may not be continued in any longer.

The great end and intention of revenue, drawn from the community, is not only to support the necessary expenses of the Government, but to defend and protect every part of that community; and I have always understood, that it was the first and great duty of every wise and good Government to take measures for the public defence, and protect its citizens in their lawful pursuits. Our navy ought not to be enfeebled and weak below the proportion of our natural strength and resources. Every individual has a general interest in the prosperity of the agriculture and commerce of the country, and in the good management of its resources for the public defence and protection; to withhold that defence and protection under the idea of economy, if it is not a subversion of the term, it is to me a fallacious, mistaken, and forced economy. The great object of political economy in every country is, and ought to be, to increase the riches and power of that country.

Could I perceive, by increasing our navy, in building seventy-four-gun ships, and protecting commerce, it militated against the agricultural interest, I should be among the last to advocate it; but I think it is highly proper to protect it, to a certain extent, and that extent I would regulate by the surplus revenue arising from commerce, which I believe ought to be appropriated to protect that commerce. According to the Message of the President, there is one million of dollars, surplus, in the Treasury; and the Mediterranean fund of eight hundred thousand dollars, may be liberated from that object; and I hope that at least some part of this revenue will be appropriated to the building of seventy-four-gun ships. By mixing of such ships with the frigates, our navy will become much more powerful and respectable; and legislating on such principles is giving no preference to the commercial interest over the agricultural; and I wish to be expressly understood, not to increase our navy beyond the means arising from the surplus revenue: neither would I be understood as advocating unjust monopolies, prohibitions, improper bounties, exclusive charters and companies; these are abuses of the commercial system.

In the course of some of the former debates, China was introduced as a model and pattern. It is to be remarked that China has articles of merchandise which no other nation has, which entices all nations to carry on commerce with her. Though China has long been one of the richest, best cultivated, and populous countries, yet it is to be remembered, the middling and lower classes of people are the most beggarly—thousands of families have no other habitations than in fishing boats, and the greater part of the community are poor and miserable. Such is the China sample.

It is said commerce increases and promotes prodigality. Suppose it does, Mr. Chairman, and add to it if you please equipage, luxury, curiosity, vanity, and ostentation; and what does it prove? It only argues that the principles of common prudence do not always govern individuals; nevertheless it promotes industry and creates a fund for the support of society. Besides, it seldom happens that a nation is much affected by the profusion of a few individuals; the principles of frugality seem to predominate among the greater part of mankind, taking the whole course of their lives together; indeed, nations are never impoverished by private, it is by public misconduct.

Modern Europe furnishes an example that commerce cannot flourish without some naval protection, and I sincerely hope the resolution will be adopted.

Messrs. LYON and COOK spoke at considerable length in favor of the resolution.

The question was then taken on the resolution; which was rejected—only 30 members rose in favor of it.

The House considered the report, when the first resolution was agreed to—yeas 78, nays 33, as follows:

YEAS—Evan Alexander, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, junior, Thomas Blount, James M. Broom, John Campbell, John Chandler, Martin Chittenden, John Claiborne, George Clinton, junior, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Davenport, junior, John Dawson, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, Charles Goldsborough, Andrew Gregg, Silas Halsey, Seth Hastings, William Helms, David Holmes, David Hough, Walter Jones, James Kelly, Thomas Kenan, Joseph Lewis, jr., Matthew Lyon, Duncan McFarland, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jr., Timothy Pitkin, jr., Thomas M. Randolph, John Rhea of Tennessee, John Russell,

Peter Sailly, Thomas Sammons, Martin G. Schuneman, John Cotton Smith, Henry Southard, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, Marmaduke Williams, Nathan Williams, Richard Winn, and Joseph Winston.

Nays—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Robert Brown, William Butler, Christopher Clark, Joseph Clay, William Dickson, Elias Earle, Peter Early, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John Hamilton, Michael Leib, Thos. Moore, Roger Nelson, Joseph H. Nicholson, John Pugh, John Rea of Pennsylvania, Jacob Richards, Thomas Sandford, Ebenezer Seaver, John Smilie, Samuel Smith, Thomas Spalding, Richard Stanford, John Whitehill, Robert Whitehill, and David R. Williams.

On the question that the House do agree with the Committee of the whole House in their agreement to the second of the said resolutions, it was resolved in the affirmative—yeas 91, nays 21, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Joseph Barker, George M. Bedinger, Barnabas Bidwell, William Blackledge, John Blake, jun., Thomas Blount, James M. Broom, Robert Brown, William Butler, John Campbell, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, George Clinton, junior, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, Walter Jones, Thomas Kenan, Michael Leib, Joseph Lewis, jun., Duncan MacFarland, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, John Morrow, G. S. Mumford, J. Nelson, R. Nelson, T. Newton, jun., Joseph H. Nicholson, Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, Samuel Taggart, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Daniel C. Verplanck, Peleg Wadsworth, Marmaduke Williams, Nathan Williams, Richard Winn, and Joseph Winston.

Nays—Isaac Anderson, David Bard, Burwell Bassett, Silas Betton, Martin Chittenden, Samuel W. Dana, John Davenport, jr., Caleb Ellis, Edwin Gray, Jonathan O. Mosely, Timothy Pitkin, jr., Jacob Richards, Thomas Sandford, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Killian K. Van Rensselaer, Joseph B. Varnum, John Whitehill, Robert Whitehill, and David R. Williams.

On the question that the House do agree with the Committee of the whole House in their disagreement to the third and last of the said resolutions, it was resolved in the affirmative—yeas 72, nays 34, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, William Blackledge, John Blake, junior, Thomas Blount, William Butler, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Ezra Darby, John Dawson, William Dickson, Elias Earle, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, Walter Jones, Thomas Kenan, Michael Leib, Duncan MacFarland, Robert Marion, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Joseph H. Nicholson, Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, Abram Trigg, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, and Joseph Winston.

Nays—James M. Broom, John Campbell, George Clinton, junior, Orchard Cook, Samuel W. Dana, John Davenport, junior, Caleb Ellis, William Ely, Charles Goldsborough, Seth Hastings, David Hough, Joseph Lewis, junior, Matthew Lyon, Josiah Masters, William McCreery, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, junior, Timothy Pitkin, jun., Peter Sailly, Thomas Sammons, John Cotton Smith, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, and Nathan Williams.

Ordered, That a bill, or bills, be brought in, pursuant to the first and second of the said resolutions; and that Mr. Dawson, Mr. Nathan Williams, Mr. Ely, Mr. Blount, Mr. Joseph Clay, Mr. Darby, and Mr. Fisk, do prepare and bring in the same.

Wednesday, March 26.

The bill sent from the Senate, entitled "An act to explain the fifth section of an act, entitled 'An act to divide the Indiana Territory into two separate governments,'" was committed to a Committee of the whole House to-morrow.

On motion of Mr. Roger Nelson,

Resolved, That a committee be appointed to bring in a bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia."

Ordered. That Mr. Roger Nelson, Mr. John Smith, and Mr. Ely, be appointed a committee pursuant to said resolution.

Mr. John Randolph presented to the House two petitions of sundry inhabitants of Randolph and Saint Clair counties, in the Indiana Territory, which were read, praying that the said Territory may be divided into two separate governments; and that slaves may be permitted, by law, to be brought into the said Territory.—Referred to the Committee of the whole House, to whom

was committed, on the fourteenth ultimo, the report of the committee on the letter of William Henry Harrison; a memorial of the Legislative Council and House of Representatives of the Indiana Territory; and several petitions of sundry inhabitants of the said Territory.

Mr. GREGG, from the Committee on the Public Lands, to whom was committed, on the seventeenth instant, the bill sent from the Senate, entitled "An act to authorize the State of Tennessee to issue grants, and perfect titles to certain lands therein described, and to settle the claims to vacant and unappropriated lands within the same," reported to the House their agreement to the same, with several amendments: Whereupon,

Ordered, That the said amendments, together with the bill, be committed to a Committee of the whole House on Saturday next.

Mr. THOMAS M. RANDOLPH, from the committee appointed on the fourth of December last, on a memorial of the Legislative Council and House of Representatives of the Mississippi Territory, and on a petition of sundry inhabitants of the said Territory, made a further report thereon; which was read, and ordered to be committed to a Committee of the whole House on Monday next.

Mr. PARKE presented to the House a petition of John Cleghorn, of the Indiana Territory, which was read, praying that the benefits of the act, passed on the third day of March, one thousand seven hundred and ninety one, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory Northwest of the Ohio, and for confirming them in their possessions," may be extended to the petitioner, for the reasons therein set forth.

A message from the Senate informed the House that the Senate insist on their amendment disagreed to by this House to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," and desire a conference with this House on the subject-matter of the said amendment; to which conference the Senate have appointed managers on their part. The Senate recede from their first amendment, disagreed to by this House, to the bill, entitled "An act for establishing rules and articles for the government of the armies of the United States," and insist upon their second amendment, disagreed to by this House to the said bill, and desire a conference with this House on the subject-matter of the said amendment; to which conference the Senate have appointed managers on their part.

CREDIT ON PUBLIC LANDS.

Mr. BLACKLEDGE.—From the best informatien I have been able to collect, by an examination of the documents laid on our table, as well as by conversation with gentlemen better acquainted with the subject than myself, I find that, from the sales of the public lands already made, there will be to be collected in the course of about four years, upward of two million of dollars; from the same sources of information I likewise learn, that, in the course of the present year, in the State of Ohio only, upward of two hundred thousand dollars are to be paid, or the lands must be sold to raise the balances from the persons owing this enormous sum, and that sales for a part of it are to commence in this or the next month. The petitions presented to Congress at this session, praying for an extension of credit for the balances due from the petitioners, and depicting the distresses to which many must be reduced if our laws are rigidly enforced, ought to draw our attention to what is to be the probable consequences of a system, which, in practice, is found likely to bring largely in debt to the Government so considerable a proportion of the citizens of any section of the Union. To my mind, there is nothing more obvious than that if the present system of selling our lands is persevered in, the peace of the Union may and probably will not be preserved. Men who have paid three-fourths, or, perhaps, more, of the purchase money for their lands, and spent several years hard labor in improving them, cannot feel very strongly attached—nay, must feel an aversion—to a Government, whose rigid policy, in consequence of their having failed to pay the balance which may be due, takes from them not only their lands and improvements, but even refuses to refund that portion of the purchase money which may have been paid. Let the number of persons of this description increase to that extent to which our present system naturally leads, and I fear, sir, it will be impossible to enforce your laws. No man will dare to bid at your sales; his life may be in danger if he does; and though the lands, in such cases, would revert to the Government, what good would it do them? The first purchaser is in possession, and the spirit of the community in which he lives is in favor of his holding it. To evict him, you must resort to force, the consequences of which are too obvious to need description. A committee of this House has already decided the principle, that it would be improper to grant a longer indulgence to those whose time of credit has expired. To have decided otherwise would have been to adopt toward poor debtors for the purchase of your lands, a practice directly contrary from that which, under similar circumstances of hardship, has been uniformly observed toward your debtors at the custom-houses; a distinction which cannot, as I conceive, be justified by any principle of policy or justice. I know of no way by which the evils to be apprehended can be so effectually averted as to put a stop to the practice of selling the public lands on credit; and with the view of bringing the subject before Congress, and ascertaining their opinion upon it, I beg leave to submit the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of repealing all such parts of the several acts for the sale of the lands of the United States as authorizes a credit on any part of the purchase money, and that they report their opinion thereupon.

Mr. NEWTON moved an amendment, going to

refer this resolution to the Committee of Ways and Means; which did not prevail—ayes 13; when the resolution was agreed to without a division.

IMPORTATION OF BRITISH GOODS.

The bill to prohibit the importation of certain British goods, wares, and merchandise, was read the third time.

The yeas and nays were called for on its passage.

Mr. J. RANDOLPH.—I was about myself to ask for the yeas and nays; but before they are taken on the bill, I wish some of its framers, if indeed it has any within these walls, would step forward and inform what evidence is to be offered to a jury to decide whether a given yard of broadcloth has been manufactured in Britain or Ireland. We have heard a great deal about efficiency and dignity; but never in the course of my life have I witnessed such a scene of indignity and inefficiency as this measure holds forth to the world. What is it? A milk-and-water bill, a dose of chicken broth to be taken nine months hence. Good God! is it possible that gentlemen believe it will be incompetent for Congress at the next session to cook up such a dish as this? for I hope Congress will meet before or about the 15th of November, and that an adjournment will not be made to the beginning of December. Is there such a difference of time between those periods as to justify a resort to these measures now? It is the merest *brutum fulmen* I ever heard. It is too contemptible to be the object of consideration, or to excite the feelings of the pettiest State in Europe. If we wish to throw the disgrace off our shoulders, let us throw this bill off our tables. This is the strong measure! this is the imposing attitude we have taken! You cannot do without the next Spring and Fall importations; and you tell your adversary so. You multiply custom-house oaths, and give a bounty to perjury. Except in respect to custom-house oaths, there is not a provision in the bill worth a farthing. Is it possible for a deliberative body thus to trifle with the nation?—with powers with which they have been invested for wisest purposes; and to hold out a temptation to the violation of laws? for it is impossible to pass a law more teeming with mischief—a law which, while it opens a door to perjury, cannot be executed, and than the execution of which nothing is farther from the minds of its framers. It is indeed inefficiency itself; it can never be executed. I have heard much said in the lobby, since I came into the House, of giving up our own opinions in deference to those of others. Let those who make this declaration give up their opinions. But in my opinion the times call for a far different thing from unanimity. They may indeed call for union, but the measures proposed ought to be wise and efficient—they call for principle—for independence—for gentlemen in this House voting in correspondence to the opinions they avow out of doors, and not for their being whipt in by the underlings of Government—for assuming a manly attitude—for a far different procedure from the bill on your table. Will gentlemen allow nothing to a change of circumstances in Europe? We have received a recent communication from that quarter. Will they pay no attention to its contents? Will they, instead of this, go on in their political go-cart, in one incessant round, without attending to time or circumstance? And now I am speaking on this subject, I must request those communications be read.

Mr. SPEAKER said they were confidential.

Mr. J. RANDOLPH.—I hope they will be read, whether they be confidential or not.

Mr. SPEAKER.—They are not in possession of the House.

Mr. J. RANDOLPH.—I hope they will be sent for, and that they will be read.

The SPEAKER repeated that they were not before the House.

Mr. CLOPTON.—Mr. Speaker, I rise with a view of submitting a few, and but a few remarks to the House on the passage of this bill. I am afraid, however, that my voice, naturally feeble, and rendered much more so by a painful, excruciating indisposition, which has detained me from this House many weeks, will not admit of a degree of utterance sufficient to be heard throughout the whole even of those few remarks. Until yesterday I have not been able to come to the House for more than seven weeks; and, on that day, the debilitated state of my frame admitted not of my continuance at the House but for a very short time. For these reasons I shall feel the more thankful to the House for a patient attention. During part of the time which has elapsed in my absence from the House, a resolution of very great importance was discussed and passed by without a vote. The bill now before you is one brought in, as I understand, pursuant to another resolution which has been agreed to by the House.

Sir, I shall vote for this bill, not because I believe it is calculated to be as effectual towards obtaining the objects sought for, as a measure might be, grounded on the resolution which has been discussed: I mean the resolution submitted by a gentleman from Pennsylvania (Mr. GREGG.) Nor shall I vote for it under a belief that it will be less likely to give offence to the nation on whom it is to operate. Every argument against that resolution predicated on apprehensions of its offensive tendency towards that nation, would, in my opinion, be equally as proper against this bill as against that resolution. But all argument of this sort I utterly disclaim, whether applied to the one case or to the other. However, there seems to have arisen, from apprehensions of that kind, a degree of reluctance in some gentlemen as to resorting to any measure of the nature of that proposed in this bill. And why so? What, I would ask, is the situation of the United States? Are they still in a state of colonization to Great Britain? Are they under subjection to the arbitrary rule and dominion of that country? Are they bound to receive law from the British Parliament, from the British Ministry, or from a British Court of Admiralty? Or do they hold a rank

in the scale of independent nations? If they do hold any such rank, have they, or have they not, a right to make rules and regulations in respect to their commerce with other countries? In making their commercial arrangements, have they not a right to withhold their trade either in whole or in part, from any country whatever, if they have reason so to do? If they really have a claim to be considered as a nation; if they do exist as a people having their own Government independent of all other Governments, such a right cannot be disputed; it is clear, it is incontestable. What cause of offence, then, can be given by the exercise of such a right? What cause of offence will be given by the United States, should they withhold their trade from any nation upon earth? None, sir. The right being clear and unquestionable, such an exercise of it cannot be any just cause of offence.

It seems, however, to have been apprehended by some gentlemen that, whether it be just cause of offence or not, Great Britain will take offence should any such measure be adopted. And, sir, has it not been suggested that the United States would do well to refrain from taking such a measure rather than incur the displeasure of that nation? If such suggestions have transpired, I must, with all the powers of my soul, disclaim the sentiment. What! forbear to do what we have a lawful right to do, and what does not, by any manner of means, interfere with the rights of others, through fear of offending Great Britain thereby! Sir, is the blood which flowed in our veins thirty years ago entirely dissipated? If it is not, if there be one drop remaining, surely that drop is, sufficient to excite an indignant renunciation, an utter abhorrence of such a sentiment. What is fear? Is it a quality or a property of the human soul? If it be such a quality or property, O let it be eternally discarded from the American breast! Let it be driven to those dark and gloomy regions where the iron hand of despotism strikes to the ground everything which would attempt to raise itself above that level! There alone is its proper element; there it is a principle of Government pervading the melancholy groups, who drag on through life under a load of wretchedness, marking their dismal course by the clanking of their chains. Wherever it prevails it pollutes; it poisons the fountain whence flows everything noble and excellent in man. Infected with it, his native dignity vanishes from him, and all his greatness topples downward and sinks into the dust.

But wherefore, sir, for what purpose, should this fear of offending Great Britain be indulged? It should be indulged, it seems, lest Great Britain, taking offence at the adoption of such a measure, should wage war against the United States. Sir, that nation (it is acknowledged on all sides) has committed manifold outrageous violations on the rights of this country, and of many of its citizens, and continues to pursue that wrongful course. If, in vindication of those rights, the United States should adopt a measure perfectly lawful, and such as appears to them the most eligible; and if, in consequence of that measure, Great Britain, to complete her system of iniquity, should choose to go further and make war against this country, be it so. The United States will have done nothing more than what it was their duty to do; and, in the instance of this bill, perhaps they will not have done as much. The measure is perfectly lawful, perfectly just, and contains in itself nothing incompatible with principles strictly pacific. Should such be the consequence, I do not believe that in the war (which would be merely a naval one) the advantage on the side of that country would be so great as seems to have been apprehended by some gentlemen. I rather believe that our commerce would not be annoyed in a greater degree than might be retaliated on her commerce. Here, sir, let me not be misunderstood; let it not be thought that I feel a wish for war. Far, very far from it. I deprecate that great evil, that scourge of the human kind. I entertain a peculiar aversion to every species of warfare, as I always have entertained an aversion to it. But I mean here to make a distinction between a disposition to seek after, or to provoke war, and that disposition, which, although it wishes to avoid war, is not afraid to meet it, should it be wantonly and unjustly waged against our country. I mean here to declare it to be my opinion, that the United States ought not to shrink from a lawful exercise of their own rights of independence, through fear of incurring the displeasure of any nation upon earth, lest that nation, under the influence of such displeasure, should make war against this country; and I mean here to express my wish and my hope that they will exercise those rights of independence.

But, sir, do I think that such a measure (Mr. G.'s resolution) would induce Great Britain to wage war against the United States? No, sir, I am as far from thinking so as I am from wishing that it should be so; and I can truly say, that no man upon earth can be farther from desiring such an event. This country affords a great market for a vast portion of British manufactures. Exclude those manufactures from this market, and the effect would be immediately felt throughout the kingdom of Great Britain and Ireland. Such, in my opinion, would be the effect that their Government would feel much stronger inducements to relinquish their aggressions than to pursue them or to make war against the United States. Exclude those manufactures from this market, and thousands and tens of thousands of their manufacturing subjects would soon be seen trembling with awful apprehensions of famine. Volumes of remonstrances, almost with the rapidity of the winds, would be poured in and laid at the foot of the Throne; the language of such remonstrances would be such as to strike the souls of their Ministry with terror and dismay. To stop the progress of discontent, disaffection, and consequent insurrection, I do believe that they would hasten to relinquish their pernicious and iniquitous system. Thus the commotions of their own subjects would drive them from the pursuit of a course of aggression, from which, scarcely any other event

could divert them; and their own fears would produce that justice to us, which might perhaps in vain be expected to be brought about by any other means. Thus far we should be secured against war, from causes arising among themselves.

Among other objections to such a measure, it has been suggested that the measure would aid the ambitious views of France, by throwing the weight of the United States in her scale. How, sir, would this be done? Nobody, I believe, entertains a thought of entering into an alliance, either offensive or defensive, with the reigning Emperor of France. How, then would such an event be brought about? On a supposition, it seems, that the United States would certainly be engaged in a war with Great Britain. Equally foreign is it, I believe, from the intention of any one to make war against that nation, and thereby increase the weight of Bonaparte in the scale of war against his great antagonist. In what manner, then, would this accumulation of weight in his scale be effected, by which he would be enabled more easily to crush his adversary? Why, truly, in one and one only way (it has been said) it would be effected. That very adversary would effect it; that very adversary, it seems, would throw our weight into his scale against herself, by waging war against us; would herself be the immediate cause of facilitating her own downfall. If, Mr. Chairman, such would be the consequence, are the rulers of that nation so stupid and blind that they could have no idea of that consequence? And, while it is plainly foreseen on this side of the Atlantic, they could form no conception of it? Is their situation better known here than it can be to themselves? Or are they ready, thus violently and ignorantly, to precipitate their own fate by taking a step tending to produce to them that catastrophe, but which tendency they cannot perceive, while it is clearly comprehended at this place? Here, sir, permit me to make use of a phrase, which has been before made use of—*Quem Deus vult perdere prius dementat.* Is it ascertained that they have already arrived to that state of dementation? Is it ascertained that they are completely prepared for destruction, by having been previously rendered completely mad? But, so far from being overwhelmed and sunk into a state of mental derangement, has not their wisdom been a theme of high eulogium? I believe it has. Without saying, however, how far I am willing to concur in that eulogium, I might safely admit, then, that a war between the United States and Great Britain would afford to her adversary a considerable advantage in their contest; and that very circumstance secures the United States from war with Great Britain, even if she should be otherwise disposed to wage it against them.

In the discussion of this important subject, two interests have been taken into view—the agricultural interest and commercial interest. I, sir, am no stickler for commerce, nor am I an enemy to it. My own individual interest is agricultural; I derive my subsistence from the soil. But this is a commercial, a great commercial country, as it is a great agricultural one. The agricultural part of the community does, indeed, outnumber that of the commercial; yet I feel no disposition to shrink from a vindication of those rights of the nation which appertain to commerce. As a nation, it is our duty to vindicate all its rights, and the rights of all its citizens. So long as commerce is carried on by the citizens of the United States, it is their duty not to abandon the lawful rights attached to that commerce; nor to abandon, without an effort, their injured, impressed seamen, to the fangs and lash of the tyrants who have outrageously seized upon them! The eastern parts of the Atlantic States are addicted to commercial habits; long have they been inured to them; we cannot break them off from those habits; we cannot change the genius of the people. In the West, we perceive the dawning of a great day, when the subjects of an immense trade will be wafted along the stream of the Mississippi—be launched into the ocean—and almost vie, in magnitude and in value, with those of the Atlantic States. Sir, we should legislate for this great nation, as it is; we should assert the various rights appertaining to it as an independent nation; and, as far as we can foresee, we should provide for its future interests in the different stages of its rising and progressive state.

I had intended, Mr. Speaker, to make some further remarks on arguments which have been advanced in support of the position, that war would ensue from such a measure; that the consequence would be fatal to the commerce and navy of the United States, and have a tendency to secure to France a superiority on the ocean. I had wished, also, to make a few observations relative to the rights attached to the vessels of a neutral nation on the high seas, and to notice some of the pretexts resorted to (as it is said) by Great Britain, by way of justification for the aggressions on our commerce, and the impressment of American seamen. But my present bodily infirmities do not admit my proceeding as far as I wished, I must, therefore, conclude. As I said before, sir, although I do not believe that this bill is as well calculated for insuring attainment of the objects sought for as might have been, and, therefore, my hopes of success are not very sanguine; yet, being not entirely without hope that it may answer the purpose, I shall vote for it.

[The following has been communicated by Mr. Clopton, as the substance of what he had intended to address to the House, in addition to the foregoing remarks, if his health had been such as to have enabled him to proceed.—Editors.]

The resolution which has been discussed, having been declared to have a warlike tendency, the terrors of a war with Great Britain have been, therefore, set forth in frightful colors; and we have been warned, solemnly warned, to be cautious in taking a step so much affecting the interests of a nation, the thunder of whose navy, even in contemplation, is awful and tremendous. Has it not been brought forward, as an alarming consideration, that if the fleets of that nation should

once be directed against this country, not a port from one end of the continent to the other would be left open? That our coasts would be lined with their ships, and not a single American vessel in port would be able to steal out, while all on the ocean would be captured or destroyed? The language of the opposition seems to have breathed sentiments of this sort; and much of the warning which has been given, appears to have been directed entirely to these points. They tell us that war, inevitable war, would be the result; and that to the United States, the consequence would be annihilation of their commerce, and speedy destruction to their little marine. In the warm and solemn appeals to the vast naval force of England, which has long secured to her the dominion of the seas, it has been denounced as a species of madness to attempt such a measure. Such is the picture which has been drawn on one side of the canvass. To the correctness of a part of the portrait I am ready to subscribe. I readily admit that Great Britain does maintain the dominion of the seas. I say, further, she is not shy nor backward in manifesting that circumstance to the world. Proud, haughty, domineering, she makes the inferior Powers feel her weight. She gives law to the whole maritime world, and she tyrannizes greatly indeed. Yes, indeed! she plays the tyrant, and she plays the tyrant on the commerce of this country; and these are the outrages which we complain of.

Let us now turn over and look at the other side of the canvass. Let us see what is there portrayed. We there see it sketched out that this same little navy of ours, although it is to be destroyed at an early stage of the supposed contest, will, nevertheless, enable France to disconcert all the mighty naval machinery of England, to harass it on all sides, and eventally acquire the predominance; that the great ocean will be obliged to receive into its bosom the Gallic tyrant in place of its old master, England; that this great leviathan of the deep will be obliged to yield up his long-established dominion to the shark of France; and that new monarch, issuing forth in the vigor of youthful strength thus recently acquired, will snap in twain everything he meets with, and reign the terror of the whole watery element.

But no more of figures and allegorical allusions, which have lately become very fashionable. In plain English, the scene which has been presented to us, I take to be this: The opposition commenced on the assumed position that the measure was a war measure; that a war, a naval war, would inevitably follow its adoption. On this ground all the arguments, mostly relied upon seem to be predicated; and are precisely adapted to the opposition, if the resolution had contained a direct declaration of war. In this apprehended war we are told that Great Britain, by her immense navy, must maintain an incalculable advantage over this country; that the commerce and the navy of the United States must, almost immediately, be broken up; that indeed we should be "swept at a blow from the ocean;" and at the same time we are warned against taking such a step on the ground that, in such a war, that is to say, a naval war, the United States being thrown into the scale of France, might insure its preponderance, and give to France the dominion of the seas. This is to me a paradox totally incomprehensible. That the United States should, at the very outset of the contest, be rendered totally incapable of making any head, a single effort at sea, and yet be the efficient means of increasing the naval power of France (now comparatively trifling) so far as to overbalance that of Great Britain, are positions which appear too opposite and contradictory to be reconciled. What! Totally incapable of doing anything, and yet capable of performing the wonderful act of bringing about the subjection of eight hundred ships to the dominion of a few dozen!

But whether there be war or no war with the United States, if there be any persons who are anxious that the great overgrown naval power of Great Britain should not be reduced, I think it is very probable that they will have their wish; at least, according to the ordinary course of human affairs, no ground is now presented whereon to calculate when such an event might be expected. Yet, if such a war should take place, I have no idea that the commerce or the navy of the United States would be annihilated, small as that navy is, and improbable as it is that the weight of it in the scale of that war would be such an accession as to enable France to obtain a naval predominancy. I believe that the enterprising spirit of individual adventurers on the part of the United States would, as I suggested before, countervail all opposing difficulties, and maintain a heavy weight in the commercial scale. Other channels would be found, through which commercial pursuits would be conducted. Small would be the sacrifice, if any; but it would be a sacrifice not wilfully made at the shrine of vain ambition, nor proceeding from unlawful pursuits. It would be a sacrifice incidentally resulting, but not rightfully, from a cause which, to maintain, is among the noblest acts of a nation; a manly assertion of its legitimate rights, in a spirit untinctured with hostile views.

As to the naval armament of the United States, although it cannot be, and has not been, pretended by any of the friends of the measure, that it could contend with the navy of Great Britain, yet, that it might afford to our merchant vessels considerable protection in the vicinity of our coasts, and the West Indies, there can be scarcely a doubt.

Whoever he is, on the other hand, who wishes to see something like a balance of power on the ocean—an event which might, very probably, subserve the general interests of mankind and of the United States, much better—I cannot perceive any reason to apprehend that he will soon be gratified. If Bonaparte ever destroys the naval power of Great Britain, or weakens it so far as to acquire the superiority, and succeed to the dominion of the seas, he must first destroy the British nation, or conquer, or subject it to his own terms. Does it therefore follow, from these sentiments, that

I wish for such an event. No, indeed; by no means. I neither wish that the one should be destroyed, nor that the other should acquire the superiority at sea, as he now holds it on the land. I am as unwilling that the United States, in the prosecution of their lawful pursuits, should be insulted by one tyrant of the seas, as that they should be insulted by another tyrant of the seas. No matter who rules the ocean, a disposition to play the tyrant there will be found. Whoever holds dominion on that element, capricious, interested projects will mark his conduct towards others. The best, and most eligible course for the United States to pursue, when they meet with such conduct, is, in my opinion, to adopt such measures as are calculated most to affect the interest of the aggressors. If this be a sound rule, it strongly recommends the resolution which has been discussed, as the measure proposed by it would deeply and vitally affect the interest of Great Britain; while, as I have said before, the sacrifice on the part of the United States, I really think, would not be such as to affect their interest in any very considerable degree.

If I were disposed to do so, it would be unnecessary at this time to say anything as to the aggressions complained of, whether they are unwarrantable, and contrary to what is called the law of nations. That they are so, is a point, I believe almost universally insisted upon by the people of this country. But here, I will go a little further. The doctrine which admits of search for enemy's goods, on board the vessels of a neutral on the high seas, and a right to seize and confiscate such goods whenever there found, ever was, to my view, a doctrine founded in power, and not in right—a doctrine which all the musty, voluminous compilations of the civilians, put together, can never reconcile to the principles of justice. Within whose jurisdiction is the vessel of a neutral, when sailing on the high seas? Is it within the jurisdiction, not of the nation to whom it belongs, but, of the belligerent who happens to meet with it on those seas? Are, or are not, those seas a common highway, free for the use of all nations who may choose to navigate them? It is universally admitted that they are, for it would, indeed, be utterly absurd to deny it. Equally absurd would it be, to deny that a vessel sailing on those seas is within the exclusive jurisdiction of the nation to whom it belongs. What right, then, has a belligerent, because he happens to be in a state of war, forcibly to invade the jurisdictional limits of a peaceable nation, with whom he has no difference? The state of war in which he is, whatever rights it may give him in relation to his enemy, cannot enlarge his rights in respect to a neutral, cannot diminish the right of that neutral. Upon no principle of reason or justice can the rights of the neutral be affected by the war. His situation cannot be rightfully altered by either of the belligerent parties, and neither of them can have any more rightful authority to enter the jurisdictional limits of a neutral in time of war than in a state of profound peace, for he is in a state of peace, and all the rights of peace remain attached to him in that state. The belligerent has as much right to enter the warehouses, or other places within the territories of the neutral, seize and make prize of the goods of his enemy found there, as he has to enter the vessels of the neutral on the high seas, and to seize and make prize of the goods of his enemy there found; because, the neutral nation has the same exclusive jurisdiction on board its vessels on the high seas, as it has within its territories. That jurisdiction, in both places, should be equally sacred from invasion by the belligerent, and should equally protect the goods within it. If such was not the case, it would be nonsense to talk about a *mare liberum*. The idea of a *free sea* would be a mere bubble. The vast expanse of waters forming the immense ocean, different parts of which are designated by different names, and all, taken together, so long and so broad as to encompass two-thirds of this globe would become a mere *mare clausum*—a sea shut up within the jurisdiction of that nation, which ever it might be, who has the strongest naval force. Of all the groundless doctrines which ever were attempted to be defended, from the days of Adam to the present time, this is one of those, which, I do believe, can be supported with the least reason.

But, groundless and indefensible as this doctrine is, it has been recognised by the unfortunate treaty between the United States and Great Britain, commonly called Jay's Treaty, and, therefore, while that treaty exists, the United States are engaged to admit the practice founded on that principle. But this does not bind the United States to yield to the new principle assumed by Great Britain, on which her cruisers capture, and her courts condemn, American vessels and cargoes, when those cargoes consist of the product of her enemy's country, although they have become American property, and are re-shipped for a market, either in the mother country or in a colony of that enemy.

I have noticed the principle which denies protection to the property of an enemy on board the vessel of a neutral, as a principle, which, I do believe, the United States ought to reprobate and resist, if they had not bound themselves, by treaty, to admit it. Much more ought they to reprobate and resist a principle on which a right is claimed by Great Britain, as a belligerent, to seize and condemn *bona fide* American property, because that property, so far as relates to the cargo, was of the growth or manufacture of her enemy's country—was brought into the United States from one part, and reshipped for another part of the dominions of that enemy.

But the aggressions complained of, are committed, it seems, on the ground of necessity. It is said, that Great Britain pleads that necessity as her justification—that, fighting for her existence, she is under the necessity of doing what she does—of violating (we say) our neutral rights. This plea appears to have been, in a manner, admitted, if not as a full and complete justification, at least as a degree of palliation, and therefore, that the principle which has been assumed by Great Brit-

ain, should not be so strongly resisted by this country. Here the admission of the plea is more dangerous than the admission of the principle itself. The ground of necessity is a ground so broad and extensive, that, upon any occasion whatever, some foothold may be found on it. It is a plea which eludes all investigation. It is submitted to no tribunal to decide whether it shall be overruled, or not. It is of that singular nature which cannot be judged of but by him who makes it. He only is competent to know what his situation renders necessary for him to do. An admission of the plea, then, is an admission that he has a right to do whatever he chooses to do, since his choice is grounded on what he deems to be necessary for him to do. It is the plea of every tyrant upon earth. The despot who wantonly impales thousands of his miserable subjects, says—it must be so; otherwise, the throne would totter under me. I shall fall a victim to the fury of an aggravated populace, unless they are constantly awed by extreme severity. A system of tyranny is established then, to support that system; and to preserve the tyrant, thousands must be sacrificed, because the existing state of things makes such sacrifices necessary. If Caligula's wish had been practicable, and every Roman neck had been hammered into one, that neck would have been too strong to be bent under him, and, of course, it would have been necessary to strike it off. Once admit the plea as a ground of justification, and no outrage whatever will want support. The plea will never be wanting. It will always be necessary to do something or other—right or wrong—and the necessity of the case warrants it. This doctrine leads to evils, the extent of which, baffles all human calculation.

The plea of necessity is made to justify the impressment, *ad libitum*, of any seamen who speak the English language. It is alleged as necessary to keep up the complement of seamen for their navy, and they cannot distinguish between British and American sailors. Having extended their naval armament so far as to become the scourge of the maritime world, they must keep it up, and to keep it up they make such indiscriminate impressments, otherwise some of their ships must be hauled into dock for want of men. This is a necessity which with them justifies every possible means made use of to procure men, and on this plea they seize American seamen. But is it possible that this doctrine can find an advocate, except among themselves? Or is it possible that the enormity of the outrage can be palliated in the smallest degree on the ground of such a plea? It cannot afford the slightest shade of justification. In the prosecution of this outrage, they arrogate to themselves a right to dispense with the known established rules of decision, to ascertain the truth of facts. The impressing officer seizes any seaman who speaks the English language, and of himself, merely upon that ground, determines that he is a British subject. If he could acquire a right to make the impressment in any case, he should produce proof of the fact. The circumstance of the seaman being found on board an American vessel, is *prima facie* evidence that he is an American citizen. The facility afforded, by similarity of language and manners, to the British sailor of entering on board American vessels, and the difficulty of producing on the spot evidence of his subjection to Great Britain, cannot be rightfully pleaded in justification of the violence. These are circumstances existing independently of the control of either of the nations; and if some British seamen do avail themselves of them, the inconvenience to that nation, whatever it may be, results from those circumstances. To remove that inconvenience, there cannot exist any rightful authority to trample on the rights of American citizens, by a wanton, indiscriminate impressment of every seaman speaking the English language, whom the impressing officer shall choose to seize. Even on their own principle of non-expatriation, without positive and unquestionable proof that the seaman impressed is a British subject, there can be no shadow of just pretext for the violence, even if committed within their own jurisdictional limits, but when committed on the high seas the outrage is aggravated by a violation of the rights of the American flag, an invasion of the jurisdiction of the United States.

Mr. T. NEWTON, jr.—It is seldom, Mr. Speaker, that I trespass on the time of the House. I am content, in most instances, in giving that vote, which appears to my understanding to be right and proper. Residing in a part of the United States which is rapidly progressing to the first commercial station, and representing, as I have the honor to do, citizens, respectable in their different vocations of farmers, merchants, and mechanics, I consider it a duty incumbent on me to accompany my vote with the reasons for it. It becomes my duty, peculiarly, so to act, as I have heard opinions, to which I cannot render my assent, and which have touched my sensibility. On a great and interesting crisis in our national affairs, it becomes the representative of a free people to speak what he thinks; firmness and independence should characterize all his actions. The magnitude, sir, of the subject demands a dispassionate consideration. I will endeavor to give it a deliberate attention. I differ on this subject from gentlemen with whom I have the satisfaction to agree on most political points, and with whom I am in habits of intimacy and friendship. This honest diversity of opinion shall never lessen my respect for their virtues. It is my desire to discharge with fidelity my duty to my country, and with approbation to my conscience. I shall never pause, or remain inactive, when her prosperity is to be promoted, or aggressions on her rights are to be repelled.

I will now, sir, offer my reasons for being in favor of the bill on the table. I confess it does not altogether come up to my wishes. But as unanimity is more likely to be the result of the adoption of this measure than any other at this time, I am willing to pare away something from my opinion to obtain it. I look forward to stronger toned measures, should the present prove inef-

ficient. What concurrence of circumstances and events have constrained us to take this measure? Let facts speak our justification. Let us recur to the history of America, and inquire whether we have received from Great Britain that justice and decorous demeanor to which as an independent nation we are entitled. I will omit insisting on the refusal to deliver to us the Western posts, in conformity to the stipulations of the treaty of 1783. The expensive Indian wars which grew out of that act of violated faith I will likewise omit, insisting on her repeated refusals to enter into commercial arrangements with us. I will also pass over the Treaty of 1794—that hydra of all our calamities—without a comment. It is to the events, since the year 1793, at which time hostilities commenced between Great Britain and France, that I shall direct my attention. I ask gentlemen to recollect the orders issued at different periods of time from her cabinet, and the clandestine manner of their execution. While the ships of our citizens were navigating the ocean, pursuing under the protection of the laws of nations and the neutral flag, a just and rightful commerce, they were captured and condemned. The first notice our merchants and navigators had of the existence of such orders, were from the cruisers that captured their vessels. Have not our citizens been subjected to the most degrading and humiliating insults and injuries? Have not our coasts been constantly lined with cruisers of every description? Have we not had spies in our seaports to give information of the destination of vessels, and the value of their cargoes? Has not our jurisdiction been invaded, and acts therein performed, in violation of the sovereignty of the nation? I refer to the case of seamen impressed in the harbor of New York, and the insult not long since offered to the State of Rhode Island by the commander of a ship of war. Have not the laws of national intercourse been wantonly, and without provocation, trampled under foot, and unrestrained plunder made the order of the day? Has not our flag, which gives to us jurisdiction over whatever portion of the ocean it covers, and ought likewise to give security to our citizens and their property, received every indignity and outrage? Has not the right of search and examination in the most shameless manner been abused, and our merchants subjected to immense losses, and their vessels to vexatious detentions? Are not our brave and generous seamen impressed and forced into her service? And have not the late decisions of the Admiralty Courts narrowed and pared away our commerce to a skeleton? Such, Mr. Speaker, is the treatment we have received, and are daily receiving, from Great Britain; we have borne such for years. Under these oppressions, what has been the conduct of America? a conduct of the most pacific composition. We have permitted her vessels to enter our ports on the same footing with those of the most favored nations—nations that had entered into commercial stipulations with us on a liberal scale.

We have preserved good faith in all our transactions. Ample justice has been rendered. The property of her subjects has been under the safeguard of the law, and restitution has been made when illegally seized. I speak of vessels and their cargoes, which were made prizes within our jurisdiction by the French cruisers, and prizes to such as had been equipped in our ports. The contrast is striking; the problem to be solved is this: whether we are to submit to depredations, or to assert our rights. The time, in my opinion, has arrived, which imperiously demands their vindication. The nation expects it, and we should not disappoint the patriotic wish. Let us, then, resort, as it is the opinion of gentlemen, to commercial prohibitions, and let us persevere in the course we have taken, till ample satisfaction is rendered for past injuries.

This measure is said, among its other deformities, to have a squinting towards war. I cannot consider it as having that tendency. I am averse to war; my constituents concur in opinion with me, that no greater evil can befall or scourge mankind. It is the prolific parent of every vice, of debts and taxes; it poisons in the germ the virtues that are vitally essential to the sanity of the Republic. Shall the assumption of a warlike attitude be ascribed to us, because we assert the rights of neutral navigation, and adopt a measure calculated to sustain them? The ocean is a common highway to all nations; our citizens are entitled to use it as such, in the same manner as they use the common highways or roads through our country. Robbery and piracy are equally base and criminal. The ocean is property in community; the *liberum mare* has been acknowledged and advocated by the best informed civilians, and all the writers on the law of nations. Every effort that shall be made or exerted to abridge our rights should be repelled.

It is immaterial to me who is the aggressor; whether Britain or France, Spain or Algiers. Pusillanimity invites aggression. A nation that is prepared for defence or offence is seldom molested. Let the secret proceedings of Congress be published, whenever the wisdom of this House shall deem the act prudent; I for one shall never blush at the votes I then gave. Were I permitted to retrace my steps, I should not change the course I then took. The peace, prosperity, and security of the country, are objects of primary importance, superior with me to every other consideration. From the course which the debate has taken, and from opinions advanced, it appears that commerce is not deserving of holding a high rank in the public estimation. The merchant—the American merchant—is a citizen, and allegiance and protection are reciprocal. Let us recur to the history of America for a solution of the question, Whether public attention has ever been directed to the security and prosperity of commerce? Restrictions and prohibitions on trade were grievances loudly declaimed against, anterior to the American war. They were classed among the principal causes that led to it. If we turn to the Declaration of Independence, we shall find enumerated among the misdeeds of that nation:

"The cutting off our trade with all parts of the world." "For plundering our seas and ravaging our coasts." Our freedom to trade wherever we please is asserted in that instrument, which announced to the world our independence. Since that ever memorable and glorious achievement, our public acts and institutions have been framed with a view to the extension and protection of commerce. If we turn to our Constitution we shall find powers given to the National Government for these purposes. If we will carry our minds back to the period preceding the formation of that Constitution, and its ratification by the States, we shall be convinced that the languid and deranged state of our commerce was not the least powerful of those reasons and inducements which produced a revolution in our National Government. If we have a reference to our code of laws, the attention and solicitude of Congress are manifest liberally and beneficially to carry into effect the powers that have any relation to this subject. The protection given to it in the Mediterranean sea is another evidence of the sentiment of the nation. These facts speak a language of easy comprehension. It is free from ambiguity.

Again, sir: If we cast our eyes over this interesting portion of the globe, and survey its happy position and natural advantages; if we contemplate the fertility of the soil, the diversity of climates, and the infinite variety of productions; if we take into view the large bays, which abound everywhere, and the navigable rivers that penetrate thousands of miles into the interior, we shall intuitively feel and confess the powerful excitements and instigations to commerce. The beneficence of nature is wonderfully displayed, in rendering the union of agriculture and commerce indissoluble. It is time, sir, I must repeat it, to protect our commerce. I trust we shall manfully arrest the hand of violence. In 1776, the American spirit sustained and defended our rights and liberties. Shall we in 1806, in the bloom of manhood, surrender our commerce without an effort to protect it? I trust we shall not. I also trust that we shall tell Great Britain in plain language, that we will not purchase certain fabrics of her; that we will not be clad in her broadcloths, nor wear her hats. We demand of her fair play; plain honesty; and that nothing short of it will satisfy us.

Let it not be understood, Mr. Speaker, that I am the advocate of commerce to the injury of agriculture. I profess myself to be the warm and sincere friend of the farmer. Agriculture never had, and never will have on this floor, a more ardent and decided advocate. The farmer's life has always been a theme of admiration with me. There is an inexpressible something in it that seizes upon and ravishes my affections. In supporting the freedom and protection of commerce, I manifest my zeal for the encouragement of agriculture; representing citizens of different vocations, it is my duty, and I will add my determination, to sustain their rights and interest free from the imputation of favoritism. My principles forbid me to sacrifice one portion of the community to the other. In the contemplation of common sense and common justice, in the language and spirit of our State and National Constitutions, equal rights and privileges appertain to every citizen. The point must be conceded. The alliance between agriculture and commerce is too intimate and close to be denied—the mutual dependence too visible to escape notice. If they should ever be torn asunder, the avulsion will produce a fatal lethargy. What encouragement would the cultivator of the soil have to produce more from his farm than would be necessary for the su sistence of his family, were it not for the certainty that the surplus products could be disposed of to advantage? Does not commerce stimulate industry? Has it not carried through our country a spirit of emulation never before felt? Are not our farms in higher cultivation, and our farmers richer than at any former period? All these felicitous effects are derived from commerce, subject as it has been to plunder and piracy. Were it protected, its advantages would be more diffusive. That moment we put commerce without the pale of our protection, that moment, I repeat it, a fatal lethargy is produced; that moment the hand falls paralyzed from the plough. Give it a liberal expansion, and the earth teems with luxuriant harvests.

Great objections, Mr. Speaker, have been raised against the carrying trade. I do not entertain the same opinion with other gentlemen on this point. From the view I have taken of this trade, my mind discriminates it from that of Venice, Genoa, and Holland. These were small places, diminutive when compared with America. They had little ground to cultivate; their supplies were drawn from other countries. They flourished in commerce, because their Governments were some shades more free than those of surrounding nations; property was protected by the laws. Hence, moneyed men of countries where commerce was in disrepute, resorted to employ their capital. The merchants of those places became the carriers of other nations, and enjoying what may be aptly denominated the freight trade, and other advantages from their capital, became celebrated for their wealth and power.

There is no similitude in our situations. The basis of our carrying trade is agriculture—the productions of the soil. In the same proportion that our trade is extended, and new markets discovered for our produce, will the farmer be encouraged and rewarded? Our products are carried everywhere, and are in demand. The articles are bulky, and require for their transportation much shipping. Our trade to the West Indies is considerable. Their dependence for subsistence and supplies of every description is on us.

We do not get money in those markets for our produce, as a memorial from Connecticut some time ago, soliciting the time for paying duties on spirit, &c., &c., to be enlarged, justly and correctly states; but the produce of the islands in exchange. The colonial productions thus acquired, are beyond the supply of our wants; our Govern-

ment aware of this fact, long prior to the existing order of things, from the nature of our commerce, enacted laws, authorizing the re-exportation of the surplus colonial products. Did not the merchants enjoy this privilege, a limitation in the exports of our produce would inevitably ensue. The farmer would of course be limited in his sales as to quantity, and sensibly experience a diminution in the price of his flour, and of other articles the produce of his farm. The merchant must have a profit to support his trade and credit. The laws of our Government on the allowance of drawbacks, were, as they appear to me, evidently framed more with a view to encourage agriculture than to accommodate the merchant. The same reasoning applies with equal propriety and force to the commercial relations we have with the nations of Europe. As the re-exportation of colonial produce and European fabrics, has, and still produces on the part of Great Britain, embarrassments to our commerce; it becomes my duty to inspect her pretensions on this head, with deliberation and dispassionate research. I rejoice that I am enabled to take high ground. I assert it then as a doctrine that has been established and published to the world by Great Britain herself, that the European manufactures and colonial productions of belligerent nations, when brought into a neutral country, become neutralized, and form a part of the stock and wealth of the importing nation, and that a neutral nation thus posssessed of such property, has an undeniable and legal right to export it to any other nation, belligerent or neutral, free from the clogs of any limitation or condition. In the examination of this subject, I shall refer to the decisions of the tribunals of Great Britain. I will not tire the patience of the House in quotations from writers on the law of nations. Great Britain concedes every point necessary to sustain my position. The Admiralty Courts have decided, that merchandise imported in our vessels, and which has been landed, and the duties paid or secured to be paid, is to be taken as so much of the floating wealth of the importing nation. If gentlemen have the curiosity to turn to books for information, I take the liberty to refer them to the case of the Polly, Laskey, master, 2 vol. Robinson's Reports, page 268. A *bona fide* importation is held by the judge to be satisfied, by the landing the goods and paying the duties. This is the import of that decision. The doctrine is again laid down in still more explicit terms by the British Government itself, in a correspondence between Lord Hawkesbury and Mr. King, stated in a letter from Mr. Monroe to the British Government, September 23, 1805. The part of that letter to which I refer, is as follows:

"The case was precisely similar to those which have been lately before the court. Mr. King complained in a letter of March 18, 1801, that the cargo of an American vessel, going from the United States to a Spanish colony, had been condemned by the Vice Admiralty Court of Nassau, on the ground that it was of the growth of Spain, which decision, he contended, was contrary to the law of nations, and requesting suitable instructions might be despatched to the proper officers in the West Indies, to prevent like abuses in future. Lord Hawkesbury, in reply, of April 11, communicated the report of the King's Advocate General, in which it is expressly stated, that the produce of an enemy may be imported by a neutral, into his own country, and re-exported thence to the mother country; and in like manner, in that circuitous mode, that the produce and manufactures of the mother country might find their way to its colonies; that the landing of the goods, and paying the duties in the neutral country, broke the continuity of the voyage, and legalized the trade, although the goods were re-shipped in the same vessel, on account of the same neutral proprietors, and forwarded for sale to the mother country of the colony. It merits attention in this report, (so clearly and positively is the doctrine laid down, that the landing the goods, and paying the duties in the neutral country, broke the continuity of the voyage) that it is stated as a doubtful point, whether the mere touching in the neutral country to obtain fresh clearances will be considered in the light of a direct trade, that no positive inhibition is insisted on any but the direct trade between the mother country and colonies. This doctrine, in the light therein stated, is also to be found in the Treaty of the 17th of June, 1801, between Great Britain and Russia."

I trust, Mr. Speaker, I have succeeded in proving the legality of the trade contended for. Great Britain has unequivocally pronounced our right to enjoy it. To surrender it is forbidden by the honor and interest of the United States.

It is said, Mr. Speaker, that this carrying trade is a fungus of war—that it is not worth contending for—that it consists in the carriage of enemies' property. In taking a further view of this subject, it becomes necessary and important to ascertain a previous question; whether our capital, composed of the productions of agriculture and specie, is sufficient to neutralize this trade. Of the exchange of our productions for those of the colonies and of the carrying trade, in its true sense, I have spoken. If I can now show that the current floating wealth of the nation, consisting of specie and bank paper, is to a considerable amount, and is equal to the support of our trade, satisfactory evidence will be obtained that our flag does not, to the extent spoken of, cover enemies' property. That our flag is dishonored in some instances, is true. It is the fate of all countries to experience deviations of this kind, and none more so than Great Britain. But that all our merchants are employed in this covering trade—its proper name—is without proof. I trust that there are few indeed, who can be found capable of passing through all the preparatory steps that would qualify them for it. The more I reflect on this subject, the more I am persuaded, that our commerce rests on the basis of American capital. The capital of our merchants has been accumulating since the peace of 1783. The times have been propitious. Subject as our trade has been to interruption and piracy, our merchants have increased their capitals. Ever since the year 1789, our agricultural productions and other articles of exportation have commanded higher prices than at any preceding period. The emigration of men of wealth from Europe and elsewhere, who have

fled from the horrors of war to this peaceful asylum, has added to it. The capital of our banks, amounting to more than forty millions of dollars; the annual income arising from freights, which a gentleman from Pennsylvania, (Mr. J. CLAY.) proved to be eight millions of dollars: if we add the value of near seven hundred thousand tons of shipping employed in foreign trade, estimating each ton at thirty dollars—and also the capital necessary to keep this quantum of tonnage employed, we shall be convinced that our capital is sufficient to support our commerce, without foreign aid; that our merchants are not the mere go-betweens of the belligerent nations—the puppets put into motion by the juggling capitalists of Europe. It would puzzle any man to say what is the commercial capital of either Holland or France, or Spain; the two former have in their commerce suffered immensely by wars, but more from the shocks of frequent revolutions. France and Holland have long ago been announced to the world by Great Britain, as bankrupts in commerce. Spain, it is known, never ranked high as a commercial nation. It therefore cannot be fairly said that we are trading on their capitals.

Gentlemen have slided into another mistake, by limiting their views of this subject. They state, that what they call the carrying trade yields to the Government, in duties, but eight hundred thousand dollars. This is true. This is the amount of duties not paid by consumers, and arises from the three and a half per centum paid on goods re-exported—but gentlemen do not take into their calculations the immense value of the merchandise re-exported, amounting for the last year, ending on the 30th of September, 1805, to fifty-three millions of dollars—and the profits accruing to the merchants on the same in foreign markets. This part of the subject has not received that attention and fair discussion it merits. Facts are powerful, and, when calmly and dispassionately weighed, will establish the importance of this trade. To it we are indebted for the ability, to a great degree, of paying to Great Britain more than eleven millions of dollars—being the amount of the balance of trade in her favor, against the United States.

Circumstances and events, Mr. Speaker, not moral principles, influence the policy and dictate the measures of the Court of London. In 1793, when the most powerful nations of Europe were confederated against France, when victory and conquest were deemed certain, and France was to be cut up and partitioned, according to a secret understanding, adjusted in the treaties of Pavia and Pilnitz—Great Britain issued her orders for the destruction of our trade. The effects are known and felt. But no sooner did the coalition dissolve away before a brilliant succession of victories, than a relaxation in her orders and practice took place—a relaxation produced, not from qualms of conscience; not from a reviving sense of justice, but by her impotency; by her want of power to inflict the injuries meditated. A new coalition and naval victories have again brought our trade to the brink of destruction. The oscillations of the Cabinet have been communicated to the judge of the admiralty. On cases similar in all their circumstances, he has had the hardihood to pronounce dissimilar and conflicting judgments. In the West Indies, some of her judges have stained and polluted the ermine of justice by open and unblushing bribery. The late disastrous events on the continent will again infuse into her councils an artificial display of prudence and moderation. The Punic faith of the Cabinet—I speak not of the people—is without a parallel; nothing short of resistance, proportioned to the violence exercised, can confine the Cabinet to proper limits. To preserve our rights and to protect our citizens are duties we have pledged ourselves to perform. It has become important to the nation to know what security in future it is to look for, in its intercourse and trade with foreign nations. Our patience is exhausted. We cannot any longer submit to the capricious whims of any belligerent Power.

The principles of justice are immutable—they are the same at all times, and in all places—they are not liable to be modified by the fluctuation of events. The law of nations has accurately ascertained the rights which respectively appertain to neutral and belligerent nations—to the control of that law we are willing to submit, and to no other. The knowledge I have gleaned from authors, on the subjects of war and peace, clearly convinces me, that a declaration of war between two nations cannot deprive a third and pacific nation of the advantages of an honest neutrality.

The prohibition to carry implements of war, &c., &c., commonly called contraband articles or goods—to cover enemies' property—and the exclusion from ports actually, not constructively blockaded, are the restrictions on neutral commerce. The British Government is not disposed to stop at the barrier assigned and marked out by this law. But non-resistance to insults, aggravated by wanton insolence, impresses that Government with a belief, that it possesses a prescriptive right to oppress us *ad libitum*—at will. The old colonial system is reviving fast. Great Britain, sir, is contending for the sole right of altering and abrogating, adding to, and modifying, according to the dictates of her monopolizing views, the law of nations. All trade with her enemies is now prohibited, unless it was allowed by them during peace. Accede to this doctrine, and we shall next be inhibited to trade with any nation but herself. It is impossible to avoid expressions of execration at her shameless abandonment of principle. She interdicts trade with her enemies, on the ground that it furnishes them with the means of prosecuting the war; the purchase of luxuries from us is considered as enriching her enemies. She lays down a rule to regulate our conduct, and absolves herself from the observance of it; she denies to us the right of trading with her enemies, and yet it is notorious that she trades with them herself. The British merchants have never ceased, notwithstanding the war with France and Spain, to trade with their colonies. This is a fact. I appeal to the documents on the table to prove it.

Great Britain likewise contends, that neutral nations, subject as they are to a multitude of inconveniences and privations, from the conflicts of belligerent Powers, are not to be compensated with advantages which chance, the mutations of trade, or the state of hostilities may throw into their possession. In other words—that war deprives neutral nations of many benefits, but cannot confer them. Again, sir—she denies that any advantage or accommodation can flow to neutrals from the relaxation of the navigation acts of a belligerent—and yet she has the effrontery and boldness, in the teeth of such a declaration, to relax her navigation laws—deriving from such a measure incalculable advantages. Her manufactories are supplied with raw materials, particularly from her enemies, by the intervention of neutral bottoms; a practice in direct opposition to her navigation acts during peace—by it the navy is manned, and trade supported. I will not proceed further on this head to tire the patience of the House. The letter of Lord Hawkesbury to Mr. King is a complete answer to the new doctrines. Commerce, Mr. Speaker, has experienced many revolutions; peace and war alike produce them. Governments, laws, manners, and customs, have a tendency to control its operations. It would be a task of infinite difficulty to enumerate all the causes, which elevate and depress it. *Tempora mutantur, et nos mutamur in illis*, is as applicable to commerce as it is to man. Nations, once renowned for wealth and commerce, are now poor and without commerce. Tyre, once celebrated for her commerce, opulence, and power, is now nothing but a heap of venerable ruins. Of ancient Carthage, the rival of Rome, scarcely a vestige remains. Alexandria has seen all her proud expectations transferred to happier regions; and Venice, Genoa, and Holland, retain but the remembrance of their pristine splendor and glory. Commerce must be free; it disdains control. Like the sensitive plant, it shrinks from the touch.

This discussion, Mr. Speaker, has filled me with astonishment. The times are changed; we hear no more strictures on the importance and advantages resulting from commerce, and the necessity of affording it protection, from its old friends—a death-like silence has sealed their lips—the articulation of monosyllables is the utmost extent of their power. "Quantum mutatus ab illo Hectore!"

From the year 1795 to the 4th of March 1801, the inevitable prostration of commerce was rung throughout America in all the chimes and changes of eloquence—the people were forewarned in solemn admonitions of it, if the direction of our affairs were entrusted to the Republicans.

Behold, in 1806, a silent but steady opposition to every measure calculated to violate our commercial rights! Yes, sir, the former champions of commerce have hung up their coats of mail—the helmet and the buckler, the sword and scabbard, are thrown aside—the prophetical finger no longer points to war. The energy of 1795 and 1800 is extinct—it has fled "to the family vault of the Capulets"—from my heart I wish it an uninterrupted repose.

This bill is considered by some gentlemen as a mere milk-and-water composition—as a lenitive too mild for the prognostics of the case. I am willing to try its efficacy—simple prescriptions are generally the best restoratives to health. We are told, sir, that France is dominant, and that Great Britain is fighting *pro aris et focis*—for her altars and her freehold; but this is no reason why we should permit Great Britain to rob and plunder us at will. France is indebted for her power to the folly and short-sighted policy of Great Britain. It is not my wish that Britain should become a province to France, or that France, were the thing possible, should be dependent on Britain.

My fervent wish, politically speaking, is, that they should remain independent of each other; and that they should, in estimating the real importance of things, and the uncertainty of events, discern that there is more real good and true glory in the practical display of moral virtues, than all the victories that can be achieved by art and physical power.

I am favorable to the bill now on its passage, for other reasons, which have great weight with me. It will, if carried into operation, alienate our attachments from British fabrics. We shall acquire a taste for those of other countries—in which we can be supplied with articles necessary for our consumption, equal if not superior in quality to those from Britain and her dependencies. The insolence of Great Britain has gathered strength from our prejudices in favor of her manufactures. Show her that it is our determination to open other markets for supplies, and she will find it to her profit to render us equivalent advantages for the continuation of our custom. She will not hazard a rupture with us when the loss to her is certain and vital. By having, Mr. Speaker, a multitude of markets to resort to, with our productions, neither revolutions in the governments of nations nor the capriciousness of events, will have the power to produce commercial derangements—and, what is a consideration of the first magnitude, our revenue, derived as it is from commerce, would be in no danger of such a diminution, as to compel us to resort to direct taxes—taxes on our lands, houses, and other property, for the support of the National Government. It would also have the tendency, at all times, of furnishing markets for our produce—thereby keeping its price up to the maximum point—an object of importance to the cultivator of the soil.

The ability of Great Britain to injure us, has been insisted on—but the power of America to inflict a deep and festering wound on Britain, has not been noticed. No country so dependent as Great Britain on other climes, more favored by nature for raw materials essential to the support of her manufactures, and for the consumption of her fabrics, ought to assume a dictatorial tone to other nations. It will prove fatal to her. Triumphant as her fleets have been, their victories cannot render her potent enough to bind in chains the nations of the earth. Great Britain, in the intoxication of naval triumphs, should not forget, that her boasted navy, without foreign supplies, would

be but an insignificant defence. I should not err, were I to say, that it would be no defence. Its dependence is likewise on commerce for support, which cannot be carried on with nations without their assent. Her tyranny and depredations on the ocean must and will have the consequence of directing the attention of nations to encourage the manufacture of their raw materials. The security and happiness which will be derived to them from the adoption of such a plan, will stimulate them to persevere in it. If the United States should be driven to a non-intercourse with Great Britain, and her impolitic conduct is forcing them to it, she will be probed to the quick.

As her manufacturers cannot be supported and subsisted without foreign trade, they would be thrown as paupers on the community—without the means of satisfying the common and necessary wants—desperation would produce acts of violence, and the nation tracing abuses to their cause, would, by the force of revolution, obtain that reform, which it has so long sought in vain from Parliament. Far otherwise would be the condition of the citizens of the United States. They are happy under governments of their own choice—the only governments in the world whose direct end is the happiness of the citizens. They may be forced to suffer privations, but they can encounter them with fortitude and equanimity. They may, to a certain degree, be deprived of wealth by the sale of their productions—but they feel with gratitude the benignity of Heaven, in making them proprietors of a country that abounds in the necessaries, and, I might add, in many of the luxuries of life.

The Revolutionary war of America should bring to the recollection of Great Britain the power and resources of a generous and a brave people. The gentleman from Georgia (Mr. EARLY) observed, when he opposed the resolution of the gentleman from Pennsylvania, (Mr. GREGG,) that were Great Britain to declare war against the United States, she would incur no additional expenses. The calculations of that gentleman, how accurate soever they may be on other subjects, fall short of that character on this. Does he recollect the proximity of Canada and Nova Scotia to the United States, and that the British navy cannot protect them? Does he bear in memory the treasure of blood and money, lavished and expended by Great Britain, in wars to acquire those regions, particularly the cost at which Quebec was obtained in 1763? Will the gentleman also advert to the solicitude and exertion of that Power during the American war, to retain them? Those colonies are important to her—Canada puts her in possession of the fur trade, and affords a passage to her manufactures through the lakes into our Western country.

Nova Scotia is advantageous on account of the harbour which Halifax affords to her fleets on the American coast, and of the fisheries. Without Nova Scotia, and Newfoundland, the fisheries would be destroyed, and with them one of her best nurseries for seamen. The dependence of those colonies is in a great measure on us for supplies; our exports to them amount, according to the documents on the table, to more than a million of dollars. One article of exportation to them is four hundred thousand barrels of flour. I am satisfied, sir, that the defence of those colonies would increase considerably the public burden of Great Britain. I am also persuaded that a formidable force would be required to protect them, were Great Britain mad enough to hazard a war with us. It is as much her interest as it is ours, to let the sword rest in its scabbard. Forlorn and distressing would be the condition to which her West India islands would be reduced, were we to withhold our supplies—they would not be worth retaining. Our provisions are absolutely necessary for the subsistence of the inhabitants, and our lumber equally necessary to enable them to carry their productions to market. If the policy of Great Britain should drive us to a non-intercourse with her, and her dependencies, the mischiefs to both will be incalculable. Her colonists will be shaken in their allegiance, by discerning in the measures of the Cabinet a criminal disregard to their interest.

I am sensible, Mr. Speaker, I have tired your patience, and trespassed too long upon the time of the House. I feel myself exhausted—yet much more could be said on so copious a subject. I have endeavored to show the connexion and mutual dependence of agriculture and commerce on each other, and that the prosperity of our common country, which I wish may be perpetual, is deeply interested in the preservation of that connexion, and the protection of our commerce. I render my thanks for the polite attention I have experienced. I now, Mr. Speaker, take my seat, under a conviction of mind, that the interest of my country calls for the adoption of such a measure as that bill embraces; and that the first and most honorable duty a citizen can perform, is to assert and defend the rights and liberties of his country. Such is my determination.

Mr. LYON said he was friendly to the principle of the bill, though he believed with the gentleman from Virginia, that it was too much of a milk-and-water measure. He was not, however, for throwing it under the table, but for having it amended. He would wish it to take effect on the 1st of July, instead of the 15th of November, and to authorize the President to dispense with any or all of its provisions, in case of a satisfactory arrangement of our differences with Great Britain. For the purpose of so modifying the bill, he moved a recommitment of it to a Committee of the whole House.

Mr. BIDWELL said he was sorry this motion was made, especially at this stage of the business. He did not think the reasoning on which it was founded correct. The principal object of the motion was to give the bill an earlier effect. It was very improper, he thought, that such a measure should go into immediate or sudden operation. To turn the current of trade at once would operate unjustly, and in a manner hardly consistent with good faith to the merchants, who must have made their calculations and given their orders on the existing state of things. The time

when such a measure takes place ought to be so distant as to give a reasonable notice.

There appears to have arisen, said Mr. B., a difference of opinion as to the precise point of time when this bill might take effect. I think, all circumstances considered, the time fixed a reasonable time. It may be said that from its remoteness an unfavorable inference may be deduced of our intention to carry it into effect: I think not. I think, on the contrary, it will carry on the face of it a disposition to make it part of a permanent system of measures; and that this will be more likely to be inferred from the deliberation with which it is taken than from the adoption of any sudden measures. I trust, until circumstances require a different course, it will be persisted in, and that it will be but the commencement of a system of measures which we shall continue to pursue until our object is accomplished. In this view it is not so material at what particular moment the operation of this system begins, as to convince Great Britain we are determined to persevere in it. I am, therefore, against the recommitment.

Mr. Sloan said, he barely rose to observe he was in hopes, after all the learning and eloquence of the members had been exhausted, there would have been a silent vote on the passage of the bill; but in this hope he was disappointed. There appeared to be particular stomachs in the House that could not digest milk-and-water diet. He was of the number of those who wished the adoption of something stronger; but when he considered milk and water was a very wholesome diet, and that the only way to get anything was to be satisfied with this measure, he was against the idea both of the gentleman from Virginia to throw this bill under the table, or of the gentleman from Kentucky to recommit it.

Mr. J. Randolph.—I will not delay the question beyond two or three minutes. From some remarks made by my worthy colleague, (Mr. Newton,) it may be inferred, perhaps, that I said something which tended to wound his feelings. I have been long in habits of friendship with that gentleman, and he will do me the justice to believe that I had no such intention in anything which I said.

Mr. Newton said he did not particularly allude to any expressions of his colleague, but to expressions generally made use of in the course of the debate.

Mr. J. Randolph.—From some remarks of my colleague on my left (Mr. Clopton) it would appear as if a disposition had been manifested in this House to give up our rank and standing among the nations of the earth. It is true these remarks were not directed to the bill under consideration, for during this whole discussion not a word has been directed to the merits of the bill. All that has been said has been directed to an imaginary being, and reminds me of some expressions which I recollect to have seen in the writings of Thomas Paine, who compared the observations of some political writer on which he was animadverting, to a particular place near Philadelphia called Point no Point. Gentlemen during this debate have talked a great deal about the spirit of 1776. With what view? To show that we are an independent nation? No; but to urge the United States into a foreign war. Gentlemen inquire whether we will give up the rights of commerce—whether we have a right to protect commerce? We have a right; but the only question is, whether we have the ability. Once let the nation launch out on the doctrine of protecting commerce, and where shall we go? Are we prepared to say we will protect commerce against all Powers, in every sea, and at all risks? And if we do not disregard every dictate of prudence, what must the nation do but submit to the necessities of the times, to which the second rate Powers of Europe are obliged to yield, and to which we are told by gentlemen themselves Great Britain will soon be compelled to yield. If once we establish the principle that commerce must be protected by an armed force, this nation is ruined. We must build fleets and raise armies; we must go on the principles of Britain, who is now sinking under the weight of her establishments. These, so far from being the good old doctrines of the Revolution, are political heresies, and the exploded doctrines of navies and standing armies. We are willing to protect commerce in the only way in which we are able, by discriminating duties, and preserving a neutral position; for plunge the nation into war for the protection of commerce, and commerce instantly vanishes. There is no man who doubts that the people of the United States have it in their power to do an injury to a certain extent to Great Britain, or the right of the Government to declare war; but rights are correlative, In 1798 you had a right to declare war against France; and you did so to your cost. This is not then a question of right, or of national independence, but of policy, of expediency. Let us suppose this to be the initiative of strong measures, that it will eventuate in war, and be productive of all the calamities to Great Britain on which gentlemen calculate. What will its effect be upon us? We shall adopt it at the expense, perhaps, of our whole revenue, the annihilation of our commerce, the enormous augmentation of our debt, the increase of Executive patronage, and the prostration of the Constitution. Is it worth the purchase? We object to a large naval establishment—we are hostile to an increase of Executive power—we are disposed to relieve the public burdens—and to diminish the national debt. What was our situation when we came here? When was the country ever in a more prosperous state? We were treating with Great Britain, and had every reason to believe our differences would have had an amicable termination. If we go to war with Great Britain where are we to get the money to carry it on? We must resort to direct taxes. If it is the policy of this country hereafter to go to war for the protection of commerce in whatever way it may be invaded, every measure of this Administration has heretofore been decidedly wrong. If this new principle is to be acted on, and a naval establishment to be cherished,

what can you do? By exacting from the people every farthing they can pay, you may be able to support thirty ships of the line; and are you prepared with that force to carry on a maritime war in defence of commerce? It is mere Quixotism. As well might the Elector of Bavaria, with his 80,000 troops, declare war against France, whenever that nation should undertake to march troops through his territory. There is a physical inability in the United States to defend commerce in this way. It is attempting to assume a rank which cannot fail to degrade us. Are we an independent nation? Have we a right to do what we please? There can be no doubt of this; but, does it follow that we are to throw away our liberties and the Constitution in a contest which can only end in our disgrace?

Mr. CLOPTON said, he had not the advantage of hearing the previous debate on this subject. He had derived his information from other sources than that alluded to by his colleague; from which, it appeared to him that the general tenor of the opposition arose from the alleged tendency of this measure to carry us into a state of war. Whether in making these remarks he had been correct or not, was for the House to judge; but whether those remarks had or had not a bearing upon the subject, he was sure they did not constitute the first instance of an aberration, and, he would add, a wide aberration, from the subject before the House.

Mr. J. RANDOLPH said, he did not allude to the gentleman's observations—he did not hear them.

The question to recommit the bill having been disagreed to, it passed—yeas 93, nays 32, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Basset, George M. Bedinger, Barnabas Bidwell, William Blackledge, John Blake, jr., Thomas Blount, Robert Brown, William Butler, George W. Campbell, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jr., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, Wm. Findley, James Fisk, John Fowler, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, Nehemiah Knight, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, Wm. MacCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Philip Van Cortlandt, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Silas Betton, James M. Broom, John Campbell, Martin Chittenden, Samuel W. Dana, John Davenport, jr., Caleb Ellis, William Ely, James M. Garnett, Seth Hastings, David Hough, Joseph Lewis, jr., Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, Thomas Sandford, John Cotton Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Daniel C. Verplanck, and Peleg Wadsworth.

The House resolved itself into a Committee of the Whole, on the bill making appropriations for the support of Government for the year one thousand eight hundred and six. The bill was reported with several amendments thereto.

The House proceeded to consider the said amendments; and an adjournment being called for, the House adjourned.

THURSDAY, March 27.

Mr. NELSON, from the committee appointed on the nineteenth instant, presented a bill for the relief of Rinaldo Johnson; which was read twice, and committed to a Committee of the Whole tomorrow.

Mr. D. R. WILLIAMS, from the committee appointed on the seventh ultimo, presented a bill to prohibit the introduction of slaves into the Mississippi Territory, and the Territory of Orleans; which was read twice, and committed to a Committee of the Whole on Saturday next.

The House proceeded to reconsider the amendment insisted on by the Senate to the bill, entitled "An act to regulate and fix the compensation of the officers of the Senate and House of Representatives:" Whereupon,

Resolved, That this House do insist on their disagreement to the said amendment.

Resolved, That this House doth agree to the conference desired by the Senate on the subject-matter of the said amendment; and that Mr. LEIB, Mr. ALSTON, and Mr. CROWNINSHIELD, be appointed managers at the said conference, on the part of this House.

The House proceeded to consider the second amendment insisted on by the Senate to the bill, entitled "An act for establishing rules and articles for the government of the Armies of the United States:" Whereupon,

Resolved, That this House doth insist on their disagreement to the said amendment.

Resolved, That this House doth agree to the conference desired by the Senate on the subject-matter of the said amendment; and that Mr. VARNUM, Mr. TALLMADGE, and Mr. COVINGTON, be appointed managers at the said conference, on the part of this House.

Mr. J. RANDOLPH, from the Committee of Ways and Means, presented a bill making appropriations for the support of the Military Establishment of the United States, during the year one thousand eight hundred and six; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. J. RANDOLPH, from the same committee, presented a bill making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and six; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. CLARK, that the House do come to the following resolution:

"*Resolved*, That it is expedient to amend the act fixing the Military Peace Establishment of the United States, passed the sixteenth day of March, one thousand eight hundred and two, so far as to abolish the office of Brigadier General:"

Ordered, That the said resolution do lie on the table.

APPROPRIATIONS.

The House proceeded to consider the amendments reported from the Committee of the Whole House, yesterday, to the bill making appropriations for the support of Government for the year one thousand eight hundred and six: whereupon, the amendments to the first section being again read, were, on the question severally put thereupon, agreed to by the House.

The first amendment proposed to be added to the end of the first section of the said bill being again read at the Clerk's table, in the following words, to wit:

"For exploring the waters of the country ceded by convention of the thirtieth of April, one thousand eight hundred and three, and establishing commerce with the Indian tribes inhabiting the same, five thousand dollars:"

The question was taken that the House do agree with the Committee of the whole House in the said amendment, and resolved in the affirmative—yeas 97, nays 15, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Burwell Basset, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, jr., Thomas Blount, Robert Brown, William Butler, John Chandler, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jr., John Clopton, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler. James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, John G. Jackson, Walter Jones, Michael Leib, Matthew Lyon, Duncan McFarland, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, David Thomas, Philip R. Thompson, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—John Campbell, Orchard Cook, Leonard Covington, Samuel W. Dana, John Davenport, jr., William Ely, Charles Goldsborough, Peterson Goodwyn, David Hough, Josiah Quincy, John Cotton Smith, Benjamin Tallmadge, Samuel Tenney, Abram Trigg, and Daniel C. Verplanck.

The second and last amendment to the first section of the said bill, reported from the Committee of the Whole, being again twice read, was, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments agreed to, be engrossed, and read the third time to-day.

An engrossed bill making appropriations for the support of Government, for the year one thousand eight hundred and six, was read the third time and passed.

FRIDAY, March 28.

Mr. T. M. RANDOLPH, from the committee appointed on the sixth of January last, presented a bill incorporating an institution in the City of Washington, in the District of Columbia, for the education of youth, and the promotion and diffusion of learning and science, and granting to the same certain public lots within the said city; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. ROGER NELSON, from the committee appointed on the twenty-sixth instant, presented a bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia;" which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. DAWSON, from the committee appointed on the twenty-fifth instant, presented a bill for fortifying the ports and harbors of the United States, and for building gunboats; which was read twice and committed to a Committee of the Whole on Monday next.

The House proceeded to consider a motion of the twenty-fifth in the words following, to wit:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be directed to cause the Post Office, for the City of Washington, to be kept, after the —— day of —— next, at or near the Capitol."

Ordered, That the further consideration of the said motion be postponed indefinitely.

PLURALITY OF OFFICES.

The House resolved itself into a Committee of the Whole on the following resolutions submitted some time since by Mr. J. RANDOLPH:

Resolved, That a contractor under the Government of the United States is an officer within the purview and meaning of the Constitution, and, as such, is incapable of holding a seat in this House.

Resolved, That the union of a plurality of offices in the person of a single individual, but more especially of the military with the civil authority, is repugnant to the spirit of the Constitution of the United States, and tends to the introducing of an arbitrary government.

Resolved, That provision ought to be made, by law, o render any officer, in the Army or Navy of the United States, incapable of holding any civil office under the United States.

The question was taken on these resolutions without debate.

The first was agreed to—ayes 54, noes 37.

The second was agreed to—ayes 75; and

The third was agreed to without a division.

When the Committee rose and reported their agreement to the resolutions.

The House immediately considered the report.

On concurring with the Committee of the Whole in their agreement to the first resolution,

Mr. FISK said he sincerely regretted it was not in his power to vote for this resolution. He regretted there was no such principle in the Constitution as is prescribed. Such a principle not being in the Constitution, he did not conceive it in the power of the House to make the provision. It was not, in his opinion, in their power to say a man should not hold a seat in that House who was not prohibited by the Constitution. It was on this ground only he was against the resolution under consideration.

Mr. J. RANDOLPH.—I think the gentleman from Vermont may in perfect consistence with the principle he has laid down, which I do not mean at present to contest, give his vote in favor of this resolution. He says that this House has not a right to make a disqualification which the Constitution itself does not attach to the tenure of a seat on this floor; that the Constitution draws a line between the qualification and disqualification of a member, and that this House has no right to alter them. What do we propose to do? To add a new disqualification? No; to do that which the Constitution put in our hands, which it not only authorizes but enjoins upon us. The Constitution declares that each House shall be the judge of the qualification of its members. It is clearly, then, the duty of the House to expound what is or is not a disqualification; and we are now only about to declare what is such a disqualification—merely to expound the Constitution on this head. I know some gentlemen are startled at the idea of expounding the Constitution. But do we not do this every day? Is not the passage of every act a declaration on the part of this House that a decision upon it is among their Constitutional powers? Or, in other words, is it not an exposition of the Constitution? So, in this instance, I will suppose a man returned to serve as a member of this House, and that he is declared, for some reason, to be disqualified from holding a seat. This, according to the gentleman, would be expounding the Constitution. We propose doing no more than saying, if the Secretary of State, or Chief Justice, should come here, they cannot hold a seat. We say that an abuse exists under the Constitution, and offer a remedy.

I have heard some quibbling about the meaning of the word "officer." What is the meaning of office? Agency; it is the office of a man's cook to dress his dinner, of a tailor to supply him with clothes; and it is the office of a contractor to fatten on the land—to acquire lordships, demesnes, baronies—extensive territory—by the advantage he derives from holding the public money, in virtue of his contract. But it is asked, if a contractor is an officer? and whether he can be impeached? because, under the Constitution, all civil officers are liable to impeachment. Would you impeach the Marshal of the District of Columbia? It may be answered that you may impeach him, but that you would not probably do so, because that would be breaking a butterfly on the wheel. Would you impeach a deputy postmaster? And yet when the postmaster at New York accepted his appointment, did he not vacate his seat in the Senate? There is no doubt a contractor is an officer *pro tempore*—it is not an office in perpetuity, but created for a time, and for a particular purpose. And I will ask, if it is not more dangerous to the independence of the two Houses to admit commissioners and contractors within their walls than officers with legal salaries and appointments? If we are to admit either, I say, give me the legal officer, with a determinate salary and definite powers, rather than the contractor who may gain thousands and tens of thousands of dollars by a single job. But, if the gentleman from Vermont is of opinion that a contractor is not an officer, under the Constitution, I hope he will join me in another vote, on an amendment which I shall beg leave to offer—this goes only to purge these walls, not those of the other House. I mean an amendment declaring void all contracts made with members of either House, and on this principle: Between the sessions of the Legislature it is possible for a member to receive a lucrative job, by which he may put thousands in his pocket, and, which being completed in the recess, and there being nobody to take cognizance of it, it will be impossible to apply a remedy. But, I hope this construction, which, so far as relates to our own House, we have an undoubted right to make, will obtain as the true construction of the Constitution.

But it is said that this House, and Houses which may hereafter meet, may give the Constitution a different construction. No doubt of it; and this may operate to the end of time. A former House passed a Sedition law; a subsequent House deemed the law unconstitutional. It is true they did not declare it so, and I am sorry for it; but there is no doubt of the fact. Now, we may pass a Sedition law again to-morrow, and the people rise up against it, and send different members to represent them. The people may again slumber; as long as you keep your hands from their pockets, they will keep their eyes from yours; and, in the same way, this law may be repealed. I can, therefore, see no force in this objection. The courts of justice undertake to expound the Constitution, and shall not the House of Representatives be as competent to do this as any court of justice? I will suppose a case, that of a man condemned under the Sedition law by a tribunal of justice. Suppose men of different principles come on the bench, would they hesitate to reverse the preceding decision of the court?

Indisputably not. Here, too, then, we would behold varying and repugnant decisions.

Mr. EPPES.—I have no doubt that every objection which can be made to a member of this House holding a civil office during his continuance as a Representative applies with equal force to his holding a lucrative contract. The framers of the Constitution in excluding civil officers from the floor of this House, most certainly intended to prevent any species of dependence which might influence the conduct of the Representative—to prevent his looking up for preferment to the Executive, or being biassed in his vote by Executive favor. A lucrative contract creates the same species of dependence, and every objection which could be urged against an officer, applies with equal force against contractors, who are dependent on the Executive will, and particularly carriers of the mail. While, however, I make this admission, I do not believe we have power to pass this resolution. The words of the Constitution are: "No person holding an office under the United States shall be a member of either House during his continuance in office." These words are plain and clear. Their obvious intention was to have excluded officers and officers only. It would certainly have been equally wise to have excluded contractors, because the reason for excluding officers applies to them with equal force. We are not, however, to inquire what the Constitution ought to have been, but what it is. We cannot legislate on its spirit against the strict letter of the instrument. Our inquiry must be, is he an officer? If an officer, under the words of the Constitution, he is excluded; if not an officer, we cannot exclude him by law. It is true, as has been stated, that, by the Constitution, we are made the judges of the qualifications of our own members. This judgment, however, is confined within very narrow limits. The Constitution prescribes the qualifications of a member. We can neither narrow nor enlarge them by law. Our inquiry can go no further than this: has the Representative the qualifications prescribed by the Constitution? An extensive meaning has been given to the word "office." How far such a construction of the meaning of this word is warranted, I leave for others to decide. That all contractors are not officers, I am certain. A man, for instance, makes a contract with the Government to furnish supplies. He is certainly not an officer, according to the common and known acceptation of that word. He is, however, a contractor, and, under this resolution, excluded from a seat here. A carrier of the mail approaches very near an officer. The person takes an oath, is subject to penalties, the remission of which depend on the Executive. His duties are fixed and prescribed by law. Near, however, as this species of contract approaches to an office, I do not consider that the word "office" in the Constitution can include even this species of contract. I consider the word "office" in the Constitution ought to be construed according to the usual import and meaning of that term; and as I do conscientiously believe that the word "office" and the word "contract" cannot be tortured to mean the same thing, I shall vote against the resolution.

Mr. ALSTON.—While I am as much opposed as any man to see any holder of public money within these walls, I cannot justify myself in declaring what is or what is not the Constitution. If in any case this ought to be done, this surely should be the last. What is its effect? To deprive a member of his seat on the vote of a bare majority, when the Constitution has declared that "no seat shall be vacated but on the vote of two-thirds of the members." Let this House say so, and what becomes of a contractor, if any such there be within these walls? The decision of the House will be in violation of the Constitution. No man who knows me will imagine that I have any partiality for contractors holding seats within these walls. I have never held a contract, or received a cent of the public money but for my wages as a member of this House. I am, therefore, as disinterested as man can be on this point. If there is a contractor within the meaning of the Constitution, let him be pointed out. I am not certain how I shall vote upon such a proposition. But I will not declare beforehand a particular construction of the Constitution. If I believe the case comes within the Constitution, of which I am not certain, I will vote for clearing the House of such a member. But I will not consent to a majority declaring in this way what they cannot carry into effect. How can this be done? If you cannot get two-thirds of the members of this House to vacate the seat, I ask what becomes of the resolution declaratory of the meaning of the Constitution? But it is idle to pass a declaratory resolution unless it can be carried into effect. One thing I will say, if the mover will modify his resolution so as to impose a penalty on any officer who shall make a contract with a member of Congress, I will give it my consent. For I wish to see no man in these walls dependent on the Government. I still adhere to the principle which I set out with, when I entered into public life, for I became a member of the Legislature of the State which I have the honor to represent at the age of twenty-one; but there was no office in the gift of any Government which I would possess. This is a principle to which I strictly adhere, and I do not believe I have any relation on earth who holds an office, numerous as my relatives are.

Mr. J. CLAY.—The gentleman says he is willing to vote for the expulsion of any member on this floor who holds public money.

Mr. ALSTON explained by observing that he had not absolutely said so.

Mr. J. CLAY.—If this cannot be done under the Constitution, with what consistency can the gentleman vote for the measure he proposes, as, under the provision of the Constitution alluded to, we have no right to expel a member but for some offence committed by him? The judges of your courts as well as the State courts have assumed the right of expounding the Constitution, inasmuch as they are bound on oath to support it.

Are we not bound by the same oath to support it? And have we not, by parity of reasoning, the same right to construe it? Are not gentlemen indeed, by their negative vote, giving the Constitution their own exposition? I have no doubt of our right to expound the Constitution. Let us take things as they are. What is an officer? A man holding a public charge or agency. What is an office? A public charge or agency. Is not a contract an agency? A man contracts to carry letters in the mail. Is not that an agency? So a man contracts as an agent of the Postmaster General to carry letters from Washington to Baltimore; is he not as much an officer as if he resided at Washington or Baltimore? The only difference is, that one is moving and the other stationary. Every officer under the Government is a contractor, inasmuch as he contracts to do certain things for a certain sum of money. I believe, likewise, the converse of the proposition is true, and that contractors are likewise officers.

Mr. FINDLEY said, were this proposition proposed as an amendment to the Constitution, he should vote for it; but for reasons very different from those which had been assigned. He did not believe that every contractor was an officer under the Constitution, for if this was the case, every man who furnished the public with the least article of supply would be an officer—the miller who sold flour for the use of the army, as well as the stationer who supplied the House with paper and quills. Every man who sold anything to the Government must, in this light, be considered as an officer. Would gentlemen be disposed to exclude all persons of this description from a seat in this House? Great weight had been attached to that clause in the Constitution which made the two Houses judges of the qualifications of their members; but it was a sufficient answer to this argument to observe, that though the Constitution gives the two Houses the power of judging of the qualifications of their members, it does not give them the power to make those qualifications. He agreed that it was discretionary with each House to expel a member, but then the act could only be effected by a vote of two-thirds of the members. He had always understood, and believed it to be correct, that it was an essential attribute of office for a man to possess some power, to be exercised on behalf of the Government. Now a mere contractor receives no such power; he only enters into an engagements to perform certain specified duties.

Mr. J. RANDOLPH desired that part of the Constitution to be read, which authorizes the expulsion of a member, by which, he said, it would appear that such expulsion could only be made for disorderly behaviour.

The Clerk read the article as follows:

"Each House may determine the rules of its proceedings; punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member."

Mr. G. W. CAMPBELL said he would assign the reasons, on account of which he could not give his vote in favor of the resolution under consideration. It proposed to decide what shall, and what shall not be the true construction of the Constitution as to the term *office*. He was of opinion that it was not competent for that House to put a construction upon the Constitution, except in a particular case under their consideration; and that they could then and then only act upon it. If there were any gentlemen upon the floor of the House who were contractors, and a motion should be made to expel them, he would then be ready to give his vote upon such a motion; but he was not prepared to give a general construction to the Constitution as to the existence of any such case. With regard to the case under cosideration, he was not prepared to say whether a contractor was an officer within the meaning of the Constitution. The Constitution declared that no Senator or Representative should be appointed to an office: when, therefore, they were inquiring what constituted an office under the Constitution, it was necessary that they should refer to the Constitution itself, to determine the meaning of the word *office*. It declares, in the third section of the second article, that the President shall commission all the officers of the United States. I am not prepared, said Mr. C., to say that a man is an officer who is not so commissioned under the Constitution. It appears to me that a person must have a commission before he can be considered an officer under the Constitution. Mr. C. said he was clearly of opinion that it would be advisable to make a provision to remedy the evil, and he would cheerfully agree to any measure which would have this effect, as he did consider it extremely indecorous for any man holding a contract and the money of the public to participate in the making of laws for its application.

Mr. R. NELSON said he was sorry that he could not on this occasion, consistent with the oath he had taken to support the Constitution, advocate the resolution under consideration. He agreed that it was highly improper for contractors to hold seats in that House, as there were many cases in which they could not give a free and impartial vote; but in his opinion there was no power to exclude members from a seat, unless that power was contained in the Constitution. He said he would give his idea of the spirit and meaning of the Constitution on this point. They were bound by its letter—where the letter and the words of it were plain, they were bound strictly to adhere to them; where, from the wording, the meaning was doubtful, or difficult, every member was bound to put that construction which his judgment dictated. But where there was no difficulty, where the words were plain and obvious, he would ever raise his hands against what was called the spirit of the Constitution, or, in other words, giving it a meaning which the words would not bear. If this power existed in the Constitution, it must be found under that section, which declares, that "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have

'been created, or the emoluments of which shall 'have been increased, during such time; and no 'person holding any office under the United States 'shall be a member of either House, during his con- 'tinuance in office." The question then comes to the single point: Is a contractor an officer under the Constitution? If he is, there is no doubt he may be excluded from a seat in this House; but if he is not, he cannot be excluded. What then is the idea of an officer under the Constitution? It either must be recognised by the Constitution, or some law passed in conformity to it, for no man under the Government has a right without law to create as many offices as he pleases. The Postmaster General has a right to contract for carrying the mail; he may employ for this purpose fifty, five hundred, or five thousand men. Will anybody thence contend that the Postmaster General has the right of creating five thousand offices? Our Constitution has been justly extolled as the freest in the world, and as the best calculated to promote the happiness and security of the people. It has been called free in contradistinction to those despotic governments, where all the offices are held up to sale. Is not this the case with contracts? Are they not uniformly given to the lowest bidder? What government of principle then is this, which proposes to put a construction upon the Constitution, by which offices under the Government shall be thus exposed to sale? But are they in truth officers of the United States, recognised either by the Constitution or laws? No, they are not officers of the United States, they are mere hirelings of the Postmaster General; he has not the power of setting up the Constitution to the highest bidder. If so, it is no longer a free Constitution; it does not deserve the eulogiums which have been so justly passed upon it.

Mr. EARLY.—I would not rise to trouble you were not the yeas and nays to be recorded on this question. I am as fully sensible as the honorable mover of the resolution, or any other gentleman on this floor, of the extreme impropriety, to say the least of it, of persons remaining members of this House who hold a contract under the Government to which any emolument is attached. With him and them I believe, that of all descriptions of appointment, this is the most improper to be blended, where the emoluments are not fixed by law, but rise or fall with circumstances. I am therefore as wiling as any person can be to adopt any measure to effect a remedy of this evil, which we possess the Constitutional right of doing. My difficulty on this subject is not the same with that presented to the minds of some gentlemen, that we are not authorized to pass a resolution putting a construction upon the Constitution. On this subject, by the Constitution we are made judges of the qualifications of the members of this House. If so, we are necessarily judges of their disqualification also. One power implies the other. I therefore have no difficulty on this score. The simple question is, in my mind, whether a contractor is an officer under the Constitution? My own opinion is decidedly in the negative—an opinion formed after the most mature reflection. I can appeal to you, sir, that I have sought after truth on this subject with industry; and I can appeal to other members to attest my having contemplated early in the session the offering a resolution as the foundation of a law, to give effect to the object of the gentleman from Virginia to declare void any contract made by any officer under this Government with any member of either House. So far I am prepared to go, if any member shall introduce such a proposition. The passage of such a law will remove the inconvenience which might arise from interfering decisions made in this House at different times, and will prevent the existence of a different rule in the two branches of the Legislature.

Mr. SMILIE said he heartily concurred in opinion with those gentlemen who considered an union of a contract with a seat on this floor as highly improper. But that was not the question under consideration. It was simply, how far they were authorized by the Constitution to take the course now recommended. Every man attending to that Constitution, would see that it had two great objects in view. One was to promote the interests of the community: the other to protect the rights of individuals. But these duties were equally sacred. Was it then proper, in maintaining the one, to sacrifice the other? To avoid Scylla but strike on Charybdis? He wished to God the Constitution had excluded contractors; but as it had given them a right in common with the citizens of the United States to a seat on that floor in case they were elected, he could not in conscience do anything which would take away those rights. It did not belong to that House, previous to the existence of a particular case, to make a general declaration. When a particular case was brought forward it would be time enough to take the subject under consideration.

Mr. BIDWELL said, before he gave his vote, he would concisely state the rea ons which would influence him in giving it. This was not a mere question of policy, but a question that implicated the Constitution. It was their duty to decide, not what the Constitution ought to be, but what it was. However it might or might not conform to their abstract idea, they were nevertheless bound by it. The resolution says a contractor is an officer within the meaning of the Constitution. In elucidating this point, the Constitution must be our guide. The clause of the Constitution relied upon is, that "no person holding any office under the United States, shall be a member of either House during his continuance in office." To say that a contractor is an officer is giving a new signification to the words contractor or officer. He considered both words to be as well understood, and to have as defiiate meanings as any other words in the English language. There is a Constitutional definition of the word officer in the third section of the second article of the Constitution, which provides that the President "shall commission all the officers of the United States." Here then is a Constitutional definition of what is meant by a person holding an office, viz: a per-

son commissioned by the President. A contractor does not necessarily or even generally hold such a commission. By deciding that a contractor is an officer, it will be decided that no contractor could be appointed without being commissioned by the President. This would be extending the doctrine a length to which it had never been carried. Further, it is provided, that the President, Vice President, and other officers of the Government, shall take an oath to support the Constitution of the United States. Is there any such requisition, or has it been usual to require such an oath from contractors? Under this view of the subject, and conceiving himself bound by the oath which he had taken to support the Constitution, he could not in conscience agree to the resolution, whatever evils it might have for its object to cure.

Mr. RHEA (of Tennessee) said this was an abstract question, in the affirmative of which he was not prepared to vote. There were abstract reasons which induced him to vote against the resolution. He said he was averse to assume from the Constitution of the United States, what was not expressly declared therein.

He was not willing to go on, by a principle of construction, until the Constitution of the United States was made anything or nothing. There was a day when the principle of construction was reprobated, and now, having a seat in this honorable House, he was not willing to revive that principle. He said he was determined to vote against the resolution.

Mr. J. RANDOLPH admitted that this might be, as he was convinced it was with many gentlemen, and hoped it was with all, a question admitting of a fair difference of opinion. It was a question that respected the construction of the Constitution of the United States. The point in issue, whether a contractor is or is not an officer of the United States, had been set aside by being begged. Gentlemen argue as if it was proposed to add a new qualification to holding a seat on this floor, when in truth, no such question existed; the only question was, whether there was an existing disqualification. While I am up, said Mr. R., permit me to say the gentleman from Maryland has, with a peculiar infelicity, abandoned the ground which he had first taken. He says that a contract cannot be an office, because the former are put up to sale; and because no man, under the Constitution, can possess the power of creating an indefinite number of offices. And yet, how are those men who carry the mail or discharge the duties of postmasters appointed, but on the mere *dictum* of the Postmaster General? And how are foreign Ministers appointed? They are not appointed by law. The President nominates as many as he pleases, and is only limited by the money at his disposal. As to the offices under the Postmaster General, as has been alleged, being let to the lowest bidder, I believe it would be difficult to establish the allegation. I understand that that is not the principle on which they have been let out. We are told that a contract is nothing but a bargain. It certainly is a bargain. But suppose the office of Postmaster General, as that seems in this debate to have engaged so much of the attention of gentlemen, should be let to the lowest bidder; would the person that discharged those duties be less an officer of the United States? There is one office which I believe is always let to the lowest bidder—a common executioner. Who is he? The deputy of the sheriff: and *quo ad hoc*, he is as much an officer as the superior who employs him.

What do we propose to do? To give a construction to the Constitution which is to operate on our House only, and which is not to govern the other House. They are as much the judges of the qualifications of their own members, as we are of the qualifications of ours. And although the gentleman from Georgia is unwilling a different principle should obtain in the two Houses; and although I should be glad that a proper principle should be applied to both, and should, therefore, be willing that such a principle should be fixed by law; I am not, therefore, for abandoning that, which we have an indisputable right to do, a right to judge of the qualifications of our own members, in hope of obtaining that which we may never accomplish. But let me ask those gentlemen who profess themselves willing to aid us in framing a law upon this subject, how, on their own principle, a law can be framed to do that by law which cannot, as they say, be done under the Constitution? If the Constitution does not authorize such a step, much less will it be authorized by our laws.

Mr. ELMER said it was perfectly clear to him, that the members of that House were not at liberty to vote for the resolution under consideration. Both common sense and the Constitution forbade considering a contract in the light of an office, and he had never before heard it contended that they were equivalent terms. He would cordially give his vote for any law which could be constitutionally passed, to get rid of speculation and corruption of any sort, but the oath which he had taken to support the Constitution limited his power, which he could not transcend.

Mr. KELLY said he would concisely assign the reasons which would induce him to vote against the resolution. He did not believe an officer and a contractor meant the same things. With regard to the contractors holding a seat on that floor, it might happen that a man might be a contractor without being in the least disqualified from impartially discharging all the duties of a member, as the contract which he formed might be more for the good of others than his own benefit. He, however, allowed that where a person held a seat, and made use of the power it gave him to make a contract, he was highly censurable. Still he was of opinion that it was not in the power of the House to declare the two appointments incompatible, unless the Constitution expressly authorized them. In examining the Constitution he found no such provision. Though it had been attempted to be shown that a contractor and an officer were one and the same, he believed they were very distinct things. A contractor receives

no authority from Government; his contract was derived from an officer, and all the power he possessed was derived from him, who was only amenable for the performance of the duty to the person who appointed him. A contractor could not, therefore, be considered as an officer under the Constitution, amenable to the United States.

Several allusions, said Mr. K., have been made to cases which have occurred under the Postmaster General, but until these shall be particularly pointed out, it will be impossible for us to decide how we are to act. I believe that it does not become this House to pass declaratory acts relative to the Constitution. It ought, in my opinion to stand on its own footing; and every case that is presented ought to be decided, not by a declaratory act, but by the Constitution itself. My colleague says that the judges of the federal as well as State courts take an oath as well as we do, to support the Constitution; and that, notwithstanding they are in the daily habit of construing the Constitution. But there is a wide difference between their deciding particular cases which properly come before them, and this House going into a general declaration without any such particular case. Would the judges undertake to declare the meaning of the Constitution without the existence of a particular case calling for their decision? So that the very thing which the House is about doing, has been invariably avoided by the judges.

Mr. DAWSON observed that when the resolution was offered, he had voted for it, because he approved the principle on which it was founded. He should now be obliged to vote against it, because it tended to curtail the privileges of the House. If a contractor had constitutionally no right to a seat in the House, the proper way was to take up the case and act directly upon it. He believed that such a case did exist, and he was ready to say if there were any members who received money from the public, they ought not to hold a seat on that floor.

The question was then taken by yeas and nays on agreeing to the resolution—yeas 25, nays 86, as follows:

YEAS—Evan Alexander, Burwell Basset, George M. Bedinger, Christopher Clark, Joseph Clay, Matthew Clay, Elias Earle, James M. Garnett, Edwin Gray, Walter Jones, Michael Leib, William McCreery, Thomas Moore, Thomas Newton, jun., John Randolph, Thomas M. Randolph, John Rea, of Pennsylvania, Thomas Sandford, Martin G. Schuneman, Samuel Smith, Thomas Spalding, Richard Stanford, Philip R. Thompson, David R. Williams, and Richard Winn.

NAYS—Willis Alston, junior, Joseph Barker, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, William Butler, George W. Campbell, John Campbell, John Chandler, Martin Chittenden, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Davenport, jun., John Dawson, William Dickson, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, James Kelly, Nehemiah Knight, Joseph Lewis, jun., Duncan MacFarland, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, jun. John Pugh, Josiah Quincy, John Rhea, of Tennessee, John Russell, Peter Sailly, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Henry Southard, Joseph Stanton, William Stedman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, and Joseph Winston.

So the resolution was lost.

FISHING BOUNTY.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred, by the House of Representatives, the petition of Jonathan Very, of Salem, in the State of Massachusetts, made the following report:

The petitioner, in the year 1800, was the owner of the schooner Edmund, of the burden of fifty-one tons. This vessel was licensed for employment in the cod fishery, and sailed on her voyage the twenty-first day of June, and returned to Salem on the ninth day of August, with a fare of fish, of three hundred and seventy-two quintals. She departed on the second voyage, the twenty-first day of August; and after being employed in the cod fishery, and having caught upwards of forty quintals of fish, on the ninth day of September, ensuing, the said vessel met with a severe storm, shipped a sea, and was so wrecked that the crew deserted her, and she, with her whole cargo of fish and salt, was thereby totally lost. In consequence of this loss, the petitioner and the crew of said schooner were deprived of the bounty money allowed under the existing laws for the encouragement of the fishery, in lieu of the drawback on the salt consumed in making the fish. The petitioner prays that he and the crew of said schooner may receive the same bounty, which, in the event of a successful voyage, they would have been entitled to, or such proportion thereof as may be deemed proper.

The committee are satisfied that the duty paid to the United States, on the quantity of salt exported in the schooner Edmund, amounted to an equal sum with the bounty prayed to be allowed by the petitioner; it might, therefore, at the first view, seem reasonable to grant the prayer of the petitioner; but, on the other hand, the existing law only warrants the payment of the bounty to fishing vessels actually employed during four months of the fishing season; that is accounted to be from the first day of March to the first day of December, in every year. This schooner was at sea, and actually engaged in the fishing business, for seventy days only, during the two voyages. She was not employed longer than that time before she was lost, and abandoned by the crew. No provision exists, in the law for the encouragement of the fisheries, which is calculated to meet a case similarly circumstanced. It contemplates the employment of a fishing vessel, for the period of four months, and leaves no discretion to be exercised by the officers of the customs. If a regularly licensed fishing vessel is lost, or shipwrecked, at any time within the four months, as the law now stands, the bounty cannot be paid. The committee consider

this as a hardship upon the fishermen, and the owners of fishing vessels. It would certainly be an equitable arrangement to allow them to receive such proportion of the bounty, as the time employed, previous to the loss of the vessel, might bear to the four months; and where the vessel should be entirely lost, with the crew, it would be only a fair and just encouragement to the cod fishery, if the full bounty was paid; and such a provision could not be considered as operating injuriously to the revenue, as the bounty is allowed in lieu of the drawback to which the salt used in curing fish would be entitled, upon its exportation out of the United States.

The committee, however, are not permitted to vary the law to suit each individual case. A mere informality, unintentionally committed, might sometimes be dispensed with; but, where the principal provision of the law is not complied with, there can be no reason to induce Congress to fluctuate in its decisions, according to the various applications or views of individuals, who may feel themselves injured.

Under all the circumstances stated in this case, (although the committee are fully sensible that the loss falls peculiarly hard on the petitioner,) they are of the opinion that, as the law now stands, it would be improper to allow the bounty asked for by the petitioner; and therefore recommend, that he have leave to withdraw his petition, and the documents accompanying the same.

The report was agreed to.

SATURDAY, March 29.

Mr. THOMAS M. RANDOLPH, from the committee appointed on the fifth instant, presented, according to order a bill concerning the public grounds within the limits of the city of Washington, in the District of Columbia; which was read twice, and committed to a Committee of the whole House on Monday next.

Mr. DAWSON, from the Committee appointed on the fourteenth instant, presented a bill authorizing the proprietors of squares and lots in the City of Washington, to have the same subdivided and admitted to record; which was read twice, and committed to a Committee of the Whole on Tuesday next.

Mr. JACKSON, from the committee appointed on the twenty-third of December last, presented a bill supplementary to the act, entitled "An act to extend jurisdiction, in certain cases, to the Territorial Courts;" which was read twice, and committed to the Committee of the Whole to whom was committed on the eighteenth instant, the bill to provide for the adjustment of titles of land in the Territory of Michigan, and for other purposes.

Mr. JACKSON, from the same committee, presented a bill to amend the act, entitled "An act to divide the Indiana Territory into two separate Governments, and for other purposes;" which was read twice, and committed to the Committee of the Whole to whom was committed, on the eighteenth instant, the bill to provide for the adjustment of the titles of land in the Territory of Michigan, and for other purposes.

PETITION OF JOSIAH H. WEBB.

Mr. J. C. SMITH, from the Committee of Claims, to whom was referred the petition of Josiah H. Webb, made the following report:

The petitioner, while employed in carrying the mail of the United States in August last, from Coweta to Fort Stoddert, was shot through the body by some person unknown. He is now in a languishing condition, under the care of the commanding officer at Fort Stoddert, destitute of the means of present subsistence; and, from the nature of the wound, it is not probable he will be able to provide for his future support.

A letter from the Postmaster General addressed to the Committee, and accompanying this report, confirms the foregoing statement, and recommends the petitioner's case to the humane provision of Congress. And when it is considered that the petitioner is now within the exclusive jurisdiction of the Government of the United States, in a part of the country where no regulations are yet adopted for the support of the poor; that he is under the immediate charge of an officer of the Government, who must either permit the petitioner to suffer for want of the necessaries of life, or maintain him at his own private expense, there can be little doubt that it is the duty of the National Legislature to extend its aid to an individual thus circumstanced.

Of the nature and extent of the relief which ought to be afforded to the petitioner, your Committee are not yet fully advised; at present they respectfully submit to the House the following general resolution:

Resolved, That the prayer of the petitioner is reasonable, and ought to be granted.

Ordered, That a bill or bills be brought in, puruant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

AMENDMENTS TO THE CONSTITUTION.

Mr. NEWTON alluded to the fate experienced yesterday by the resolution declaring the tenure of a seat in the House incompatible with the holding a contract under the Government of the United States. From the fate experienced by this resolution, he said he was induced to offer an amendment to the Constitution which he considered as of great importance. He said he would wish to see an American Congress composed of very different materials from a British Parliament. He did not wish to see contractors on that floor. When the Members of that House came to perform the duties of the people, they should pass themselves into oblivion. No suspicion ought to attach to them. To preserve the character of the Representative body from reproach, he had prepared an amendment to the Constitution which he would submit to the House.

The amendment was then read, as follows:

"That no person, holding a contract under the Government of the United States, or who shall, directly or indirectly participate in the emoluments of such contract, shall be capable of holding a seat in the Senate or House of Representatives of the United States."

Ordered to lie on the table.

Mr. THOMAS said he wished to submit a resolution, also to amend the Constitution. It was for the purpose of districting the several States, for the choice of Electors of President and Vice President by the people.

He said he had had the resolution for some time in his drawer, waiting for a favorable opportunity to bring the subject forward. He would not say that the present was the auspicious moment to

call the attention of Congress and the nation to alter that sacred instrument, for he believed it ought not to be approached with innovations, but for strong and cogent reasons; nor then, only when the public mind was free from collision, and unembarrassed with other questions of great national policy. However, as several propositions for amendments were before them, if they were called upon at this time to consider any, he wished to draw the attention of the House to one which experience had proved to be really necessary and proper.

The object of districting the State, and vesting the choice of Electors of President and Vice President in the people, was one which he had frequently urged and advocated in the Legislature of the State which he had the honor, in part, to represent, under the Constitution as it now stands, which left it optional with the State Legislature, either to appoint the Electors themselves, or to rest their election with the people at large. Indeed, he said, he always did think, and still thought, that the mode of choosing Electors for the Chief Magistrate of this country, ought to be by the people, and that, too, in an uniform mode throughout the United States. This, he considered the only proper way to obtain a fair expression of the public will in the choice of this highly responsible officer; and in order to have this subject before the House, he would submit the following resolution:

"That the State Legislatures shall, from time to time, divide each State into districts, equal to the whole number of Senators and Representatives from each State, in the Congress of the United States; and shall direct the mode of choosing an Elector of President and Vice President in each of the said districts, who shall be chosen by citizens having the qualifications requisite for electors of the most numerous branch of the State Legislature, and that the districts so to be constituted, shall consist, as nearly as may be, of contiguous territory, and of proportion of population, except where there may be any detached portion of territory, not of itself sufficient to form a district, which shall then be annexed to some other portion nearest thereto; which districts, when so divided, shall remain unalterable until a new census of the United States shall be taken."

Laid on the table.

FOREIGN AGGRESSIONS.

Mr. DANA.—Mr. Speaker, it is well known, sir, how highly the public expectation has been excited with respect to the proceedings of Congress. Before we assembled in this place there existed a strong sentiment of indignation, in consequence of the injuries and indignities accumulated upon the United States. The language of the President's communication to Congress at the opening of the session corresponded to this tone of the public mind. The sentiment has been decidedly manifested in the memorials laid before Congress from different parts of the Union. The frequency of our deliberations in conclave, the speeches delivered in public, the conversations of gentlemen without the bar, all might be mentioned as evincive of the general conviction, that the state of public affairs imperiously required something to be done; something adequate to the exigencies of our peculiar situation; something worthy of the moderation, the firmness, and the wisdom, which should characterize the Representatives of a free, enlightened, and magnanimous people.

From the interesting nature and magnitude of the subjects on which the President has given us information; from the general character of the measures which he has officially recommended to our consideration, a serious weight of responsibility has been devolved upon this House; and an ample portion of it, in my apprehension, has rested on those members upon whom the management of business has been more especially devolved in the course of political events, and by the peculiar circumstances of the time. The session has now continued for more than sixteen weeks. During this time the gentlemen have had opportunity to present for our consideration such measures as they have thought proper for liberating the country from evils which are experienced, and for guarding it against such as are to be apprehended. After all the patience of expectation, during so long a period, in waiting for the gentlemen to develope whatever of system they may have formed or adopted for the public welfare, I hope it will not be judged improper if I now request your attention to some of the subjects which have not been considered in the House, although they are mentioned in the President's communication, and are perhaps not less immediately interesting than others, about which there has been so much said in the form of public debate.

With the exception of the reference to affairs with several Indian tribes, and the measures for exploring certain parts of the interior of this continent, the communication of the President principally regards our foreign relations. He gives us information of the state of affairs with the Powers of Barbary; but no difficulties on that coast are mentioned as requiring the particular attention of Congress. The prominent topics are our relations with some of the greater Powers of Europe. With them we have questions of serious moment.

We have controversies, nominally, with Spain, on account of territorial claims and aggressions, and for spoliations during the former war. With respect to these, we have done nothing in public. Of what has been done in secret, I abstain from speaking, as the majority of the House has not yet consented to remove the veil which hides the proceedings in conclave from the eyes of the people.

Between this country and Great Britain there are serious questions relative to the impressment of seamen, and the trade with colonies of her enemies. With a view to these questions we have had various propositions before us, and the House has adopted such as undoubtedly seemed to the majority most advisable.

But among all the propositions and resolutions which have been laid on your table, not one has contained any provision relative to some of the grossest outrages mentioned in the President's Message; outrages committed by persons under

the flags of various belligerent Powers, the British, the French, the Spanish. I speak of outrages at the entrance of our harbors, on our coasts, and in the West Indies:

"Our coasts have been infested, and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured, in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off, under pretence of legal adjudication; but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places where no evidence could arise against them, maltreated the crews, and abandoned them, in boats in the open sea or on desert shores, without food or covering. These enormities appearing to be unreached by any control of their Sovereigns, I found it necessary to equip a force to cruise within our own seas; to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf stream, and to bring the offenders in for trial as pirates.

"The same system of hovering on our coasts and harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce."

Such is the language of the President. Some redress for these enormities is demanded by a regard to national honor, justice, interest, humanity. What redress is provided? On this subject the gentlemen have done nothing, proposed nothing, doubtless because their faculties have been so much absorbed in other considerations which they deemed important.

On examining the documents before the House, the injuries, the insults, the barbarities, which are mentioned by the President in general terms, will be seen to have been too fully realized in detail. You have decisive proof of the atrocious practices in the West Indies. Permit me to turn your attention but to a single page of the official documents. In a letter of the 7th of June, 1805, from Mr. Blakely, our Consul at St. Jago, in Cuba, we have this information: "Since the last evacuation 'of Hispaniola, more than one thousand American 'seamen have been landed in this port, most of 'them without clothes, and all of them without 'any possible means of support, but such as they 'receive from their own Government." In another letter of the 1st of July, 1805, he speaks in these terms: "The scene of robbery, destruction, 'evasion, perjury, cruelty, and insult, to which 'the Americans, captured by French pirates, and 'brought into this and the adjacent ports, have 'been subjected, perhaps has not been equalled in 'a century past." Shall these sufferings of our countrymen be disregarded, because the seamen perhaps were not employed by capitalists engaged in a trade carried on in distant seas, in Europe or Asia? Is all the philanthropic sensibility which has been professed in debate to be confined exclusively to seamen impressed into British service? Some portion of it, I hope, will yet be found for our own countrymen in the West Indies, captured, robbed of their property, loaded with indignities, and abandoned, in a sickly climate, in a strange land, without shelter, without clothing, and without means of subsistence. What can justify a desertion of the cause of our fellow-citizens suffering under these infamous outrages? With these observations respecting the depredations on our commerce, and the sufferings of our seamen in the West Indies, I leave the subject for the present to the reflections of gentlemen. It is my intention at this time to advert more particularly to the conduct of belligerent cruisers near our ports and on our coasts.

Of the violations of our neutral rights by these cruisers, one of the most memorable cases has been stated in a memorial from South Carolina. On casting an eye over the memorial, I find it supported by the signature of the President of the South Carolina Insurance Company, with a long list of names, which, as I am well informed, are among the most respectable in Charleston, comprehending merchants, and planters, and professional gentlemen. Without stating the whole of the memorial, I will now mention only certain parts of it as being more immediately applicable. This is the language:

"Your memorialists are deeply affected by the recent capture, at the very entrance of this port, of the American ship Two Friends, by a French privateer. This event has excited among all classes of citizens, the strongest sensations, not only because the ship was captured without any color of pretence, within sight of land, but because she is our only regular London trader, and had on board a full supply of spring and summer goods.

"This most extraordinary capture has already been followed by events no less alarming; our harbor being at this moment completely blockaded by three French privateers.

"These just alarms and apprehensions of your memorialists are heightened by the well known circumstance of many of the cruisers which infest our shores belonging to St. Jago de Cuba and Barracoa; in which receptacles, our vessels and their cargoes, with the knowledge of the Government of Cuba, are instantly sold, without any condemnation whatever, or even the formality of a trial, thereby precluding every future possibility of redress.

"Your memorialists avail themselves of this occasion to notice a late decision of the district court within this State, grounded on an act of Congress, whereby the territorial jurisdiction of the United States is limited to the short distance of three miles, or a marine league, from the coasts or shores, which, by the said court, is construed to mean three miles from the land; consequently, the middle channel of our bar, being more than three miles distant from the nearest land, is pronounced by judicial authority to be without the jurisdiction of the United States; the very entrance of our harbor, in full sight of the city, where vessels are frequently obliged to anchor, while waiting for a tide, and with a pilot on board, is, by our own tribunals, acknowledged to be without the protection of our Government."

The seizures of merchant vessels on our coast, and near our ports, are mentioned in memorials from other ports of the Union. We have before us complaints on this subject from Baltimore

Philadelphia, New York, New Haven, and Salem. Indeed, the conduct of belligerent cruisers, in the tracts of sea adjacent to our territories, has been a subject of general condemnation. Persons who have differed on other topics have agreed on this. This sentiment has been common to people of different professions, and classes, and parties. The main facts are notorious. Near our ports, within the recesses of our coast, almost within our harbors, belligerent cruisers have watched for opportunities of seizing merchant vessels employed in the trade of this country. Need I mention the indignation excited by the blockade of New York. The interruption of the commerce of that great port is well known. British vessels of war were stationed off Sandy Hook. Among them, I remember the names of the Leander, the Cambrian, the Driver; there may have been others, which I do not recollect; but such particulars are not of consequence in the present estimate; the general fact is sufficient. By taking such stations, belligerent cruisers have been able to seize our merchant vessels on the return voyage and carry them in for adjudication, under pretext of being employed in trading directly between the parent country and a colony of the enemy, or of having violated, in the outward voyage, some regulation respecting contraband or blockade. Millions of property have thus been exposed to seizure, which might otherwise have been added to the commercial stock of our country, and swelled the receipts of the Treasury. Such stations, too, have afforded opportunities for the impressment of seamen.

With respect to these outrages, sir, I will not fatigue you by professions of patriotism; nor will I invoke the spirit of 1776; nor will I declaim about our Revolution, or about our right to national independence. Such observations have no specific bearing on the subject. In whatever degree it may have become fashionable to occupy the time of the House in this manner, I trust it will not be supposed to manifest any want of respect to the understandings of the House, if I attend to considerations more directly applicable to some practical purpose.

Permit me, sir, to call your attention to the causes of these outrages, with the view of providing some effectual remedy. One general cause is to be found in the habitual rapacity of those who cruise under the belligerent flags. But we must expect the rapacity to exist, whatever we may say about justice or generosity. The men who roam the seas in quest of prey, will not be deterred from rapine and violence by general declamations about the principles of virtue or the rights of neutrality, while they can seize their object with ease and impunity. Adopt means of prevention, which cut off their hopes of success! These will be found more effectual than any vague professions of patriotism.

There is another cause—the defective nature of the existing law of the United States. This we may reform, unless restrained by some of the duties of neutrality. In June 1794, was passed "An act in addition to the act for the punishment of certain crimes against the United States." You will find it in the third volume of the laws. Originally the act was temporary; but, after being once continued in force for a further term, it was ultimately made permanent, by an act passed in the year 1800. By the sixth section it is provided, that the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. The comprehensive form of expression assigns to the district courts the cognizance of libels for damages, in cases of capture, as well as of libels for restitution. Before this act was passed, a question had existed, whether the district courts, as courts of admiralty, were authorized to take cognizance of such complaints, even where the captured property was within a port of the United States, and nothing more than restitution was the object of the complaint. The fact may be ascertained by recurring to the State papers of the time. I presume, sir, it is well recollected by yourself. The act of June, 1793, terminated the question about the judicial cognizance of such cases, but by its very terms did not permit the district courts to extend the claim of jurisdiction from the shore to a greater distance than a marine league.

In the case decided in South Carolina, and noticed in the memorial from Charleston, it would seem, that a considerable dissatisfaction had been felt in consequence of the opinion, judicially given by the district judge: and, if my recollection is not fallacious, some censorious remarks were published in a paper or papers of the day. That serious discontent should exist when the very entrance of such a harbor as that of Charleston was officially pronounced to be without the verge of territorial protection, ought not to excite surprise in any reflecting mind. There was serious cause for inquietude. But, if I understand that case, I can have no hesitation in declaring my opinion, that in his construction of the law, which marked the extent of his authority, the decision of the district judge was correct. And, instead of censuring, we ought to approbate and hold in honor that spirit of judicial independence which pronounces sentence according to the existing law, however unacceptable may be the result even to persons worthy of high estimation. If no relief is provided for cases of this nature, the fault is not in the district judge, but in the existing law. The evil is one for which we have the power to authorize a remedy. It belongs not to any judge or court of the United States under the law as now existing; and, while no other provision is made by Congress with respect to the extent of the territorial protection of the United States, it is not to be expected that the President will assume the responsibility of attempting to enforce any extension of the principle in any case whatever beyond a marine league from the shore.

Does our duty, as a neutral Power, require us to submit to this limitation in all cases? According to my apprehension of the subject, the act of June, 1794, ought to be considered as defining the limits within which this country would assume

the national duty of protecting the interests of all in friendship with us. It assumes a public obligation in favor of foreigners as well as citizens: but the extent of that obligation is not the whole extent of privilege which we may claim for our own national interest and security, for the safeguard of our commerce, and the supply of our Treasury.

Among the documents laid before Congress, I find a letter, of the 5th of January, 1804, to Mr. Monroe, from the Secretary of State; in this, there is a reference to the British extension of territorial jurisdiction to four leagues from the shore. The Secretary observes: "This extension of the Bri-'tish law to four leagues from the shore is infer-'red from an act of Parliament passed in the 'year 1736." The fact of this British extension of jurisdiction, I believe to be unquestionable. According to the view which I have entertained of the subject, a jurisdiction to this extent is legally established for purposes of revenue, and not on account of any supposed claim to the honors of the flag within the "narrow seas." One thing at least is certain. A like extension of jurisdiction is established on the part of a country whose Government makes no high claim to honors of the flag within any seas contiguous to the territory. Allow me, sir, to turn your attention to the act to regulate the collection of duties on imports and tonnage. By the ninety-ninth section, the officers of the revenue cutters are required to go on board of all ships or vessels, which shall arrive within four leagues of the coast, if bound for the United States, to search and examine the same; and to affix and put proper fastenings on the hatches, and to remain on board until they arrive at the place of destination. The 102d section requires the revenue cutters and boats to be distinguished by a characteristic ensign and pennant; and in case any ship or vessel liable to examination shall not bring to, on being required or chased by any cutter or boat having displayed the pennant and ensign prescribed for vessels in the revenue service, it shall be lawful for the persons having command of such cutter or boat to fire at or into such vessels which shall not bring to, after such pennant and ensign shall be hoisted, and a gun shall have been fired by such cutter or boat as a signal. Here we see a jurisdiction asserted by the United States to the distance of four leagues from the coast. It is exercised for the protection of the national revenue. Officers in the immediate service of the Government, with a body of men constantly paid and supported out of the products of the customs, are employed to enforce the law, and are armed with a power to wound or kill those who refuse to conform. Merchant vessels bound to the United States, within four leagues of the coast, are to be placed under the charge of public officers, who are to remain on board until the arrival in port. While the vessel is thus under the charge of the officer, within the actual jurisdiction of the United States, will you permit a foreign cruiser, within this space of sea, to bid defiance to your law, to seize the vessel with your officer on board, and proceed with vessel and cargo and officer to a foreign port for adjudication?

Soon after the commencement of the French revolutionary warfare, the captures made by belligerent cruisers gave rise to inquiries with respect to the extent of the protective jurisdiction of the United States. Amidst all the political agitations of the time, it became the duty of the Administration to fix on some rule for preventing the disturbance of our public peace by foreign hostilities. Under the existing circumstances, it was determined to restrict the exercise of the authority of the United States, for that time, to the least distance claimed on the coasts of any nation in any case. That this was the fact, may be seen by examining the papers laid before Congress by the President of the United States, near the close of the year 1793.

With respect to the right of territorial protection along the coasts of a neutral Power, the general principle is clear. Questions have been made about its extent. The right to a reasonable distance is admittted. But this does not distinctly solve the difficulty. What is a reasonable distance?

If regard is to be had to the nature of our coasts, and to our distance from all the nations of the civilized world, the general principle would allow to the United States an ample extension of the territorial immunity from hostilities. A right of protective jurisdiction over some portion of adjacent sea is founded in the general right of a neutral Power to provide for the common safety, prosperity, and tranquillity. It is essential to the neutral character of a country. It results from the principles of the great law of self-preservation. It is a necessary attribute of territorial sovereignty. With respect to the practical exercise of this right, different distances from the shore are mentioned by writers on public law. Where the coast is prominent, as well as free from shoals, the least distance towards the main ocean is the full range of a bomb or cannon shot, estimated at three geographical miles, or a marine league. Authorities might be mentioned in support of other distances; two leagues—three leagues—the distance at which ships may be discovered, and from which ships may discern the land—the extent of soundings, unless the coast be so steep that soundings cannot be found near the land, in which case the measure is the reach of a cannon shot supposed to be fired from the shore. This opinion was entertained by Valin, the celebrated commentator on the marine ordinance of France. With respect to the United States, the idea has occurred of extending the protection as far as the Gulf Stream. From the President's communication at the opening of the present session, it would seem as if he had some view of this in equipping a force to cruise for pirates within the limits of the Gulf Stream and to bring them in for trial.

Amidst all the variety of authorities and opinions on this subject, the general principle is not in dispute. And it is certain, that the benefit of the principle cannot be equally enjoyed if any

specific measure be assumed for the extent of territorial protection in all cases. In a case where the coast is prominent, where the passage into the harbor is free from obstructions or hazard, and where the harbor is so situated that a vessel may be in port instantly on quitting the open space of the main ocean, the distance of a marine league from the shore may afford ample immunity to the navigation of such neutral port. But the case is materially different where the entrance of a harbor is rendered difficult or hazardous, in consequence of bars or shoals or other causes, where the principle of safety requires vessels enployed in the trade of the port to remain for any time in a road or place of anchorage at a greater distance than a league from the shore, and to wait for the wind or tide, or pilot, or daylight, or clear weather—in any such case, if the marine league is to be the uniform measure of territorial protection, the principle would be sacrificed to the particular rule; whereas every rule of this kind ought to be subservient to the principle. Another distinction is to be made with respect to ports and harbors situate in curvatures or recesses of the coasts, more than a league from the open space of the main ocean; any specific distance from shore, if made the uniform measure of protection, will not allow to them the degree of maritime security which they might fairly claim in comparison with others. In principle, sir, the rule of a marine league or any other precise measure, is applicable to coasts not curved, or to the prominent portions of coast. Places of anchorage, such as I have mentioned, whether called roads or roadsteads, or however denominated, are to be regarded as appendages of particular ports, and as such are within the protective jurisdiction of the country to which they belong.

In considering, therefore, the protective jurisdiction of a neutral Power, as a privilege which may rightfully be claimed for securing the interests of its commerce and revenue, the principle admits an extension to various distances from shore, according to the nature of the coasts, as diversified by shoals, bars, curvatures, recesses, headlands, or small islands.

This, in effect, agrees with the opinions of writers on public law, in relation to the neutral immunities of havens, roads, gulfs, or bays.

In support of the sentiments now suggested on this subject, I do not rely merely on the abstract principle of right, or the opinions of writers on public law. In national usage, it is already established, "that in places where the land, by its curve, 'forms a bay or gulf, we must suppose a line to 'be drawn from one point of the enclosing land to 'the other, or along the small islands which extend 'beyond the headlands of the bay, and that the 'whole of this bay or gulf is to be considered as 'territorial sea." The principle has been clearly recognised in the practice of the predominant maritime Power in Europe. It has been repeatedly acted upon in England. Two centuries have passed since it was unquestionably holden as a rule of conduct in that country. The tracts of sea within the recesses of the coasts are distinguished by an appropriate denomination; they are called the chambers. A particular statement of them was returned to the High Court of Admiralty in the year 1604.

In modern times, it has not been usual for England to remain neutral during maritime wars in Europe. But in the seventeenth century there was a period of such neutrality; when various reports were made to the King in Council, with respect to alleged violations of the immunities of having roads, or chambers. They are to be found in the works of Sir Lionel Jenkins. I will not detain you at this time by reading those reports; as the law of the English admiralty on this subject is distinctly stated in a charge given at the admiralty sessions, by Sir Lionel Jenkins, who was Judge of the High Court of Admiralty. I will read those parts of the charge to which I refer. After speaking of the claim to the honors of the flag upon the four seas, he says:

"The next thing is the right of sanctuary and safe conduct, which the King hath, time out of mind, exercised, not only in its harbors and ports, but especially in his chambers, that is in those tracts of sea which are between some of the most eminent promontories or points of land, a straight imaginary line being drawn between them; for instance, between Flamborough Head and the Sporn, between the North Foreland and the South Foreland, between Portland and the Start, between the Land's End and Milford; these chambers being so reputed time out of mind, and so returned in the year 1604, about seventy years ago, by jurors upon their oath, to the court of admiralty.

"You are therefore to inquire if any men of war, under foreign commissions from any of the parties now in war, do lie hovering near any of His Majesty's ports, havens, or harbors, or skulking within any of those places called the King's chambers, in order to surprise merchant ships belonging to the King's friends and allies, and to snap them as they are coming or going out of our ports. You are to present such, if you know any; and the King's Majesty is to be informed of it out of the records and presentments of this court; that they may be seized and arrested, if they be driven or do come in, or else may be fetched in by His Majesty's ships, and punished, as wilful violators of the treaties His Majesty hath with his neighbors, and as malicious disturbers of our trade."

This authority is full and decisive. Possibly it may be questioned, as being of ancient date. How is the case in modern times? To prove, sir, that the same principle prevails, and is practically recognised as a rule of public law within the present century, I may appeal to the authority of a person distinguished for judicial talent and eloquence, and celebrated by his countrymen as the oracle of maritime law in Europe: it is the authority of Sir William Scott, the present Judge of the High Court of Admiralty in Great Britain. The principle was brought into view in a case before him in the year 1801. The case arose on a capture made by a detachment from a British squadron employed in the blockade of Amsterdam. The vessel was proceeded against for breach of blockade. It was claimed as having been taken within the territorial protection of Prussia, then a neutral Power; and the claim was given under authority

of the Prussian Minister. On the part of the captors it was denied that the vessel was so taken. Sir William Scott held the claim not to be established. In speaking of the place of capture, he refers to the principle respecting maritime chambers, as being perfectly understood and admitted. With respect to the place, he says, "it is quite open 'and patent to the sea; there are no headlands that 'shoot beyond so as to make what are called cham-'bers; no shores projecting extra."

After a principle of public law has been so fully recognised in practice, on the part of the belligerent Power which now holds the decided superiority on the ocean, I think, sir, we may fairly claim the benefit of it for our country against the cruisers of that and every other maritime Power.

On this subject, I wish to be distinctly understood. Immunity from hostilities may be claimed to the distance of a marine league from shore, in any case, however bold or prominent the coast. To this the district courts have cognizance of complaints. Beyond this, it is at our option to extend protection along the coasts of the United States, over the roads or places of anchorage, and over the tracts of sea within the principal headlands. This is a privilege appertaining to our territorial sovereignty. It may be exercised without infringing the rights of any belligerent Power: it is evidently for the benefit of the United States.

To enjoy this benefit, some legislative provision is requisite; there must be some amendment of the existing law of the United States. Without altering the act respecting the jurisdiction of district courts, perhaps the main object might be attained by vesting a discretionary authority in some of the departments of Government. It has been supposed that the repetition of outrages, such as have lately been experienced near our ports and on our coasts, might be essentially checked, if not wholly prevented, by giving effect to some legislative provision, which would require no addition to the national expenditure, no augmentation of the naval force of the United States beyond what may be judged proper for a Peace Establishment. The Executive might have a discretionary authority to be exercised for the safeguard of merchant vessels employed in the trade of the United States, and for this purpose might be empowered to interdict captures within the roads or spaces and precincts which have been mentioned.

Whether these sentiments are approved in their full extent or not, the House, I trust, will have no hesitation in agreeing, that the subject is of such importance as to deserve the examination of a committee, who may present some provision in a detailed form. For the purpose of having this examination, I propose that the following resolution be adopted by the House:

Resolved, That the committee to whom was referred "so much of the Message of the President of the United States as relates to aggressions committed on our coasts by foreign armed vessels, to the defence of our ports and harbors, the building of seventy-four-gun ships, and preventing the exportation of arms and ammunition," be instructed to inquire into the expediency of providing by law for the further safeguard of merchant vessels in the vicinity of the United States, and to report by bill or otherwise.

Carried without division.

YAZOO CLAIMS.

A message was received from the Senate informing the House that they had passed a bill to carry into effect the provisions of the eighth section of the "Act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee."

The bill having been read the first time—

Mr. R. NELSON said, he should not, on this occasion, go into an examination of the principles of the bill, as they were well understood by the House. They went to practise one of the grossest impositions he had ever known. In order to get rid of what he considered a stain on the statute book, and a disgrace to the nation, he moved that the bill be rejected.

The question was accordingly put from the Chair, "Shall the bill be rejected?"

On the motion of Mr. LEIB, it was determined to take the yeas and nays.

Mr. KELLY said, it had been remarked that the principles of the bill were well understood by all the members of the House. He could only answer for himself, that he was not well acquainted with those principles. The subject had been, it is true, discussed in a former Congress; but he had not then had the honor of a seat on the floor. He had, in truth, formed no decided opinion on the subject. He was not, therefore, at present prepared to vote for rejecting the bill. He hoped it would be suffered to take the common course of other bills, the more particularly as it had received the approbation of the other branch of the Legislature, which ought to be treated with becoming respect. He trusted a short postponement of the bill would take place, and that its merits would then be discussed.

Mr. CLARK observed that, if gentlemen attended to the provisions of the bill, every mind would concur in the propriety of rejecting it; a similar bill to which would not, he believed, be found upon the records of any body; a bill which had no specific object. He did not know which most to admire, its insidious tendency or its absurdity. It declares:

"That, if, on or before the first day of January next, such sufficient releases as aforesaid shall be lodged in the said office of the Secretary of State, as shall release to the United States and shall discharge all claims to the said lands, which have been exhibited to the Secretary of State and recorded as aforesaid, or which may be exhibited and recorded agreeably to the provisions of this act, Congress will make provision by law for the indemnification of such claimants."

What is the bill for? What is its object? It only enables Congress hereafter to pass a law; it only declares that, on the event of certain things happening, Congress will pass a law. But will this oblige Congress to pass a law? Do your seven volumes of laws furnish a single instance of Congress declaring that they will hereafter pass a law?

Again: The first section declares that, "a law shall not be passed, except in case of a sufficient legal release of all claims to the United States." Now, there may be infants, feme coverts, and persons insane, who cannot make such release. How, then, is it possible for this provision of the law to be carried into effect? Shall the rights of these persons remain unprovided for? I see, said Mr. C., no other view in the passage of this bill than this. Those who have framed it are afraid to face the question; they are ashamed to meet it. This is nothing more than an entering wedge, to strengthen the force of the claims, by getting the Government to pledge itself to certain acts. These men will then soon tell you, they have been called upon to record their claims; that their agents have been obliged to attend your Departments, to receive propositions of compromise. Let this act pass, and you will add an ounce, a pennyweight, to the weight of that testimony by which they ultimately expect to establish their claim. The bill in itself amounts to nothing. But pass it even in this harmless form, they will come forward at the next session, and say you are pledged to do something. There can be no other view, in this bill, and it is a view which, I think, it becomes the honor and dignity of this House decisively to reject.

Mr. SLOAN said, he did not rise to say anything as to the merits of this bill. He rose merely to observe, that a bill, in all respects similar, had been on their tables for twenty days. He was, therefore, opposed to the postponement.

Mr. GREGG said, the gentleman from Virginia had stated, in some measure, the reasons which would induce him to vote for the rejection of the bill. The bill must be considered as holding out some encouragement to these people. He had always thought it best to meet the question at once; for which purpose he had, at an early period of the session, brought forward a resolution, which he had, however, been so unfortunate as never to have gotten up. He hoped this bill would be rejected; and, if the bill were taken up, that it would be on the resolution. This was a bill, not making any provision, but only telling these people to bring forward their claim.

Mr. COOK hoped the question would not be taken on the rejection of the bill at this time. Those gentlemen who have not heretofore held seats in the House, are not adequate so instantaneously to judge of its merits. For himself he had formed no decided opinion. He was willing to give his vote as the light received from an investigation of the subject should lead him. He was against precipitating a decision, which would not be treating the other branch with proper decorum.

Mr. SPALDING called for the reading of that rule of the House, which prohibits a member from voting on a question in which he is personally interested.

The Clerk read the rule.

Mr. GOLDSBOROUGH said he was precisely in the situation of the gentleman from Pennsylvania, (Mr. KELLY.) He had never investigated the subject, and the only opinion he had formed had been on prejudice. Such opinion as he did entertain was hostile to the Yazoo claims; but he was against precipitate measures. He, therefore, moved to postpone the further consideration of the bill to Monday.

The SPEAKER declared this motion not in order.

Mr. GOLDSBOROUGH said, he must then request to be excused from voting.

Mr. J. RANDOLPH.—I hope the bill will be rejected. I have a very great respect for a full and fair discussion of every question brought before this Assembly. But this is the third, and I do not know that I should be wrong in saying it is the fourth session since this business has been pending before Congress. I believe that the report of the Commissioners has been printed twice, if not three times, for the information of members. This bill, we are told, has been laying twenty days on our tables. But, had it come before the House but twenty minutes ago, when we advert to the history of the business, I am willing and anxious to give it a positive and prompt rejection. My memory is unfortunately bad. I do not, therefore, recollect when this subject, so well denominated the Yazoo subject, was first brought into this House. I know, however, it was several sessions ago, and I recollect that it was attended with some peculiar circumstances. I recollect that, important as the subject was, the discussion was smothered at the outset; and when I take into consideration that suppression of the discussion, with other facts in my own knowledge, there is the strongest *prima facie* evidence that it was designedly smothered.* But it may be said that the

* This unfounded insinuation has been already, on a former occasion, abundantly repelled. We shall treat it on this occasion, as we did then, by a republication of the facts then offered, in full confidence that the public opinion will be just and unprejudiced. The following is the statement which was then given:

"At the last session of Congress the Georgia claims were taken into consideration by the House of Representatives on the 7th day of February. At that time the editor reported the debates, and was at his seat. The discussion which took place was extremely desultory and unimportant, principally involving details, and excluding any interesting principle. The two next days, he was absent from the House. His absence was occasioned by a severe indisposition, the effect, probably, of excessive occupation. This was to him, at the time, cause of but little regret, as his impression was that the discussion, in its progress, would be equally uninteresting. He had not the least idea that it was intended to contest the principles of compromise proposed in the report of the Commissioners. In this he was mistaken. It so happened that, on these two days, those principles were warmly contested. On the last day of the debate, he attended; but the speeches delivered being altogether replicatory to those previously pronounced, he did not report them. Understanding, a few days after, that it was the wish of several members that the most prominent parts of the debate should be given to the public, he declared his willingness to publish them, provided that speeches made on both sides could be obtained, that the report, although

suppression of that discussion ought to render it more proper to discuss the bill before you. On the contrary, the act of suppression, three or four years ago, drew the attention of the public to the subject, and caused the report of the Commissioners to be republished, I believe, in every newspaper in America.

Now, what will be the consequence of this business, after having received the attention of one branch of the Legislature, and after having been slurred over by the other? I believe it would require no prophet to pronounce on the event. I have heard of a certain machine, which always gains and never loses—a machine, which plain wagoners call a shuffling stick. Every step it gets up hill is sure, although the horse be restive, or the wagon be loaded too heavily, or the driver be incapable—still it cannot go back again.

I am for the rejection of the bill for another reason. This bill may be called the Omega, the last letter of the political alphabet; but, with me, it is the Alpha; it is the head of the divisions among the republican party; it is the secret and covert cause of the whole. This is the subject which has been shoved off from day to day, merely that we might get something from the other House, where its friends were more numerous. Yes, a union has been formed between Cape Ann and Marblehead, and the Rio del Norte, a union of the East with the West, which makes gentlemen more touchy and jealous of one acre of this territory than of all the real land of the United States. This has been seen, and the nation is sold. I say, *quo ad hos* or *illos*, the nation is sold. We have heard of this thing two years ago, and it has come to pass. No prophets so true, as those who have the means to bring things to pass. The Man of the Mountain is the truest prophet that ever lived. He had only to prophecy, to insure the perdition of any man.

What is the bill on which this House is called to act or not to act? If the gentleman will but use half the intelligence he manifests on other occasions, instead of asking to be excused from giving a vote, he will vote for an instantaneous rejection of this bill. The facts are simply these: That in 1794 and 1795, a project was set on foot to debauch and corrupt the Legislature of Georgia, and to obtain for the projectors a tract of country more extensive than any State in this Union, and more fertile than most of them; that this project succeeded; that the Legislature of Georgia was bribed; that for a mess of pottage, to be eaten by themselves, they transferred the birthright of their countrymen. These facts are in proof to the House; and instead of a postponement, gentlemen who want information have only to call for the reading of the records on your table. The sum stipulated to be paid for the country in question, embracing at the least forty millions of acres, was $500,000. This law excited, as it ought to have excited, in the people of Georgia one general sentiment of indignation. But the corruption had pervaded and flooded and overflowed every department of the Government. Grants were made out, and the grantees held the parchment in their hands. The people of Georgia resolved to resort to first principles. It will be recollected that the corrupt law was passed in 1795. In the subsequent Spring the grand juries of the several counties made an unanimous protest against its passage; the succeeding Legislature repealed it, burnt the parchment, and exposed its authors. And what are we now about to do? Will we, after following an illustrious patriot to his grave, sully the fairest page in his history by giving a sanction to this measure? The people will say you are mere mummers, actors that put on false garments for a particular occasion, and the moment after return to your original insignificance. The law was burnt—it was expunged from the records of the State, and the rescinding act incorporated in a subsequent constitution made by the people. But the grantees under the first act—under the corrupt act—had their post-horses and runners ready, who flew to the East and the West, the North and the South, and made sale of their grants. To whom did they sell? To persons apprized of the original invalidity of the act. But if they did not, does that change the question? Who are the Legislature of Georgia? The delegates of the people of Georgia. Who were the sovereigns of the several States before the Revolution? The representatives of the Crown. I will ask you then if one of these men had proceeded to give away the country, whether the Court of King's Bench would not have set aside the grant? They would. Subsequently to this, the United States received from the State of Georgia a grant of

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imperfect, might be impartial, He went further, and actually applied to a member who had taken a conspicuous part in the debate for a sketch of his remarks, which he declined giving.

"At a subsequent period of the session, the debate was resumed on Mr. J. Randolph's resolutions. The whole of this debate was given in the National Intelligencer, at great length. On recurring to a file of that paper, it will be seen, that this debate occupies forty columns; that the speeches in favor of the claims fill about eleven, while those against the claims fill about twenty-three columns; that, of the latter, the speeches of Mr. J. Randolph made about eight columns, the speech of Mr. Rodney about five, and that of Mr. Thomas M. Randolph about nine columns; and that of the former the only speeches of considerable length are those of Mr. Lyon, occupying about six columns, and of Mr. Eustis, occupying about two columns.

"So far from there having been the least indisposition on the part of the editor to give publicity to every word said on the Georgia claims, it has been, and still is, to him, cause of regret, that the above circumstances occasioned the non-appearance of the first debate. He has no interests, no prejudices, or biasses, on the subject, other than those which flow from a regard to the public good.

"These are the facts attending this affair. They are stated to remove error, and to show that, in this instance, as in every other, the editor has been guided by principles of strict impartiality and justice. If he knows himself, he would disdain to conduct a public print upon any other principles."—*Editor of National Intelligencer.*

the country in question, and of other country not in question. In receiving this grant, they acknowledged the validity of the rescinding act of Georgia. The United States when they received the grant were apprized of the preceding transfers, and the acceptance of the country from Georgia is unequivocal evidence of their opinion that the original act of 1795 was null and void. But in a country so extensive as this, in which some settlements had been previously made under British, Spanish, and other grants, from the State of Georgia, than those of 1795, it will be readily believed there were many antagonizing claims for land. When, therefore, the United States received the country from Georgia, they entered into a compact with Georgia, or obtained permission from her, to give land not exceeding five millions, to satisfy claims not provided for in the original contract with her. Now the bill before you proposes to give this land as far as it goes, and to pledge the faith of the United States to that particular class of claimants whose pretensions arise under the act of 1795. These claims, under the act of 1795, are the last class of claims under the State of Georgia which, in my opinion, the United States are bound to satisfy. There is another description of claims, called the claims of 1789. And I am very glad the claims of 1789 are not included in this bill, because the joint interest of the two classes might possibly have an effect that in this House a single class would not. Well, Congress took the grant of country in question from Georgia. They bound themselves to extinguish the Indian title to lands within the existing State of Georgia; to Georgia they stipulated to pay a certain sum of money, and they reserved the right of appropriating a quantity of lands not exceeding five millions of acres to satisfy claims not specially recognised in the contract with Georgia. The question now is, as I take it, whether these five millions shall go to satisfy the claims under the act of 1795. But if it should be the sense of the House that the bill includes those likewise of 1789, it will not alter, in my opinion, the question.

But I may be asked, by men who profess not to be informed on this subject, what is this act of 1789, and who are the claimants under it, and how can there be interfering claims for the same lands? The case is simply this. In 1789 two companies were formed, under the names of the South Carolina and the Virginia Yazoo Companies, who contracted for a great, and the greater part of the country afterwards purchased by the claimants under the act of 1795. But Georgia alleges that they did not comply with their contract, and that it was therefore set aside, and the same lands subsequently sold under the act of 1795. Be it remembered that the purchasers under the act of 1795 were men of understanding, of intelligence, of intrigue; designing men; speculators; not bullies but swindlers; men not to be imposed on, but with their eyes open. They bought with a full knowledge of the equitable claims of 1789. When I say this, I do not mean to advocate the claims of 1789. When put to the test, one description of claims will be found as invalid as the other. But to whom did the grantees under the act of 1795 sell? After the presentments of the grand juries—after it had rang throughout the continent—that the whole was an imposition of corruption and fraud, and after there was every reason to believe they were acquainted with all the circumstances, deeds were given, one of which bears cotemporaneous date with the rescinding act of Georgia. After this, what did they do? They went back to Georgia; there the money they had paid was still lying in the treasury of Georgia, with which Georgia said she would have nothing to do; after having sold the lands for which they had paid this half million, they drew this very money from the treasury of Georgia. Is this the say-so of an individual? The act appears in the report of your Commissioners, composed of the Secretary of State, the Secretary of the Treasury, and the late Attorney General, in a report now on your table, and which has been twice published under the authority of this House.

Now the question simply is, will you do anything to give any further countenance to these claims? Will you countenance the fraud a little further? These men have agents here, within your Government, who hold great offices under it. The whole weight of the Executive Government presses it on. We cannot bear up against it. The whole Executive Government has had a bias to the Yazoo interest ever since I had a seat here. This is the original sin, which has created all the mischiefs which gentlemen pretend to throw on the impressment of our seamen, and God knows what; this is the cause of those mischiefs which existed years ago.

I hope I shall receive credit when I say that I never rose to address you more unprepared. The bill has been just sent down, and I had no intimation of such a discussion. But I call on gentlemen—not on those who have been advocating this measure at the fireside for four months past—but on men who are free from any impression, to say whether they will give their sanction to this iniquity; whether, after officers of the Government of the United States have tampered with members of this and the other House for years, they are prepared to take that step which will open the door to this scene still wider? What will be the effect of a postponement? Gentlemen will come forward and say the Senate have passed a bill in favor of these claimants; these men will inquire whether this is not a countenance of their claims; they will tell you they have transferred their rights to A, B, and C, until at last resistance will fail, and you will give a handle to the axe which shall lay the whole woods in ruins.

I may be asked about this tampering of Executive officers. At the last session I had the honor to carry up, and conduct an impeachment before the other House. It proved unsuccessful, and one of the principal causes was this Yazoo sin. I overheard a conversation between a worthy friend of mine from Georgia, who has gone home, and

a great officer of the Government, when they were fitting up the green boxes for the *magnates* of the land. I heard the great officer of the Government tampering with that man to get his vote. I overheard it. Let him be brought to your bar to-morrow, and he will tell you it is true. Why, sir, this is nothing; it is done every day, and every hour of the day. It is there—at the fireside—and not on the floor, that the affairs of this country are discussed; and should this question, as a gentleman has said, be postponed till to-morrow—till Sabbath day, on which holy work is generally done—for myself I would not give one farthing for the question; if an adjournment take place till Monday, and if all the secret mechanism, which everybody knows, be brought to bear upon it, I would not give a farthing for the issue. What have we seen as late as yesterday? A vote of fifty-six in favor of a resolution dwindled down by conversation in the lobby to twenty-five. As long as you adjourn and prolong this discussion, what do you do? I am willing to allow that what I have offered this morning is hardly worth an answer. But gentlemen will come in with their pieces of paper, with speeches ready cut and dry in reply to what I have now said. This is the fashion of the day—there is no doubt of it. Yesterday the House adjourned, and deferred the consideration of a resolution declaring the holding of civil and military offices in one person incompatible with the spirit of the Constitution. Well, gentlemen have come down to-day with their arguments. How comes it, they will say, that the President of the United States is commander-in-chief of the armies, at the same time that he is the first civil Executive officer? I know they will—I am sure I am correct. And we may go on until Executive influence shall become like a bow, which you may turn in any way, and point in any direction.

Mr. FISK said he was one of those unfortunate men who were not informed on this subject; he pleaded guilty to the charge, and if he were thus precipitately compelled to give a vote, it would be against the rejection of this bill. And yet he was free to declare he was undecided as to the final vote he should give on this subject. But he would never consent to vote away any man's right until he had been heard. The true question at present before us, said Mr. F., is, whether we shall be allowed further time to make up our judgments on this subject. I do not undertake to say that the information which the gentleman from Virginia has given of the atrocious frauds practised in this business are unfounded, though I do wonder that the persons concerned in them have committed them to his keeping, or to deny that Executive influence is so dangerous as he represents it to be, though I confess I do not see it. But I am prepared to say that the members of this House are not of such a cast as to be bought in four and twenty hours, or to be misled by any Executive officer. I am unwilling so far to criminate the character of a representative of the people, as to admit that it is dangerous to postpone a subject for a short time for fear of his corruption. I wish to know whether the American people are so vicious. I do not believe this portrait correct. I hope the bill will be postponed. If it is not, I shall give my vote against its rejection. I think it my duty to inquire into the subject, though I am willing to say my impressions are unfavorable to the claims.

Mr. GOLDSBOROUGH.—I am not prepared to give the vote of an honest legislator on this subject. Whatever may be the information possessed by other gentlemen, I have none on which to form a satisfactory decision. I had heard some time since that the most satisfactory information on this subject was to be found in the report of the Commissioners. But I must remind gentlemen that that report has not been laid on our tables this session. When I learned this I endeavored to obtain a copy, but without success, and I yesterday tried to get a pamphlet, which, I understood, contained considerable information; but in vain. Thus uninformed, when this bill came under consideration it became my duty to devise some mode of getting that information I wanted, and when I examined the rules I found one which I thought admitted a motion to postpone. This motion I accordingly made, without any view to an injurious delay—for my prejudices are against the claims. It is said gentlemen ought to be prepared to vote on this bill, for it has been twenty days on our tables. But I ask gentlemen whether it is the duty of the members of this House to examine before it comes before us every subject depending before the Senate? Is there not business enough before us fully to occupy our attention? The motion of postponement the Chair has declared out of order. I then only ask the House to excuse me from voting on this bill. I will only add, that it is a subject with which I never had anything to do, and that I know no man who is particularly concerned in it.

Mr. SAILLY hoped the gentleman would not be excused. He said he stood himself in the same situation, and was unprepared to vote upon it.

The question was then taken on excusing Mr. GOLDSBOROUGH from voting, and carried in the affirmative—yeas 58, nays 51.

Mr. KELLY said he was likewise under the necessity of asking to be excused. It was true the bill as offered to the Senate had lain some time on their tables; but it was well known that bills generally underwent considerable alteration previous to their passage, and there had been no reason to infer that this would not be the case with the present bill. He said that he had some time since taken considerable pains to inform himself on this subject, when there was a prospect of its being brought before the House; but the information he had obtained was imperfect, and that he had not had time to compare the facts attending the business with the provisions of the bill on the table, so as to be enabled to give a faithful and honest vote. The decision being thus hurried, placed him under the necessity of asking to be excused from voting. As to himself, he would declare that he had had no concern in this, or indeed in any other speculation; nor were there any persons interested in it for whom he felt a peculiar regard.

Mr. THOMAS said he should vote against excusing the gentleman from Pennsylvania. He observed that there would be no inconsistency in voting against the rejection of the bill, and afterwards against the bill itself, if, on consideration, it appeared improper to pass it. In the exigency in which the House were placed, by their being forced thus precipitately to act on this business, the only proper course, in his opinion, was to vote against rejecting the bill, thereby allowing time for examining it. Under this view of the subject he hoped the gentleman from Pennsylvania would not be excused from voting, or any other member, unless he was personally interested.

Mr. D. R. WILLIAMS said he should vote for the rejection of this bill more heartily than he had ever voted on any subject in the course of his life. If he were totally ignorant of the enormous villany of the Legislature of Georgia he should still vote for its rejection, because it carried with it one principle, which he could never agree to sanction with his vote, it vested the House with both a legislative and judicial character.

Mr. CONRAD said it was painful to him to hear gentlemen asking to be excused from voting on this or any other subject, as he was convinced the correct course was to allow time on all subjects for forming a dispassionate judgment. This too, he believed, was the first time this indulgence had ever been denied in this House. For himself, he said he was prepared to vote on the Yazoo business in every shape it might assume; because it was among the most odious things he had ever heard of. He said he detested and abhorred the whole business. But he was, at the same time, willing to give other gentlemen an opportunity to make up their minds. He concluded by saying he considered the motion of postponement strictly in order.

The question was then taken on excusing Mr. KELLY from voting, and passed in the negative—yeas 49, nays 58.

Mr. SMILIE.—The question returns on rejecting the bill. I regret that this decision is thus pressed. It is the first time I have ever seen members in the situation in which they are now placed. I wish a small delay had been allowed—but Mr. Speaker has decided a motion to postpone to be out of order, and there is no remedy. The question being to be taken on the rejection of the bill I shall vote for it. I never had but one sentiment on that subject, although I never could consider it of such magnitude as some appear to consider it. I ever believed it improper for the legislative body to decide on these claims. But that this question has drawn in all the consequences that we have heard stated to-day by the gentleman from Virginia, that is, has influenced this House in the decision of every other question, I cannot believe—that the representatives of the American people are so corrupt that in the course of a single evening they may be made by the Executive to adopt anything they please, I cannot believe. This is such a picture of the members of this House as I do not think any member is authorized to draw. Nay, the member has referred to a case in which a strange influence is represented to have been exerted, where there was not a minute to spare. Mr. Speaker, has it come to this, that the members of this House can get behind their seats, and a few influence all the rest on a question of the last moment—on a question on which the Constitution of our country is involved? Good God! is the House so corrupt? But I will say no more on this subject—every member who hears me knows they are not.

Mr. CONRAD said, he should vote for rejecting the bill. He thought some farther time ought to be allowed, and if any of the younger members would appeal from the decision of the Chair, he would second the motion.

A member called for the reading of the bill for information.

Mr. J. RANDOLPH opposed the call, and asked whether it had not already been read twice.

Mr. CROWNINSHIELD said he hoped it would be read twenty times, if necessary.

The SPEAKER put the question on its being read, which was carried by a large majority.

Mr. KELLY said, he thought there ought not to be a line of distinction drawn between the members of the House, and therefore moved a reconsideration of the vote excusing Mr. GOLDSBOROUGH from voting; which was agreed to, and the resolution to excuse him rescinded—yeas, 64, nays 44.

Mr. J. RANDOLPH said, he hoped the bill would be rejected, and that an end would be put to the miserable farce of begging to be excused from voting, when gentlemen could answer the same purpose, a thing which was every day practised, by stepping aside. He hoped that if they did not wish to vote they would take this course, and that the House would no longer be pestered with their motions. What! are gentlemen afraid to lose a Yazoo vote? They first excused one member from voting. But they found that this would not do, and they therefore refused excusing another, and not satisfied with this, they must reconsider their first vote, and get a Yazoo vote back again. This is the plain case. I hope we shall not rise till we have the question. Were I disposed to postpone the proceedings of this House, I should be in favor of delaying this decision till the gentleman from Maryland (Mr. NICHOLSON) now absent, should return into the House—that is an anti-Yazoo vote; and everybody knows it. That is a man of honorable views, who having at first been cajoled into an acquiescence in the claims, without having sufficiently examined them, had afterwards virtue and magnanimity enough to acknowledge that he had been wrong, and to declare that he would not commit the keeping of his reputation to Yazoo men.

When I was up before, I omitted to say many things that have a bearing on this question, as I may have said several things that had no bearing on it. But there is one fact which I omitted—that a man, not a Georgian—he lived on the north side of the Savannah river—if I am not correct in my statement let the Georgia delegates correct me—this man happened to be admitted into the secrets of the Divan, who had done a deed without

a name, who had corrupted the Legislature of Georgia. He went home, and he was blockhead enough to speak what he thought, notwithstanding his principles and his promises. He was used like a grubbing hoe to do dirty work and then thrown aside as a useless engine. He told others what he knew. Mark the catastrophe—at a still hour of the night, without being the enemy of any mortal man, he was shot. And it is from this fact that we now want on this question the benefit of a witness, who was murdered in cold blood, and whose testimony has thus been prevented from being brought forward to this or other tribunals before which these claims may be brought. This fact is a truth as notorious as the massacre of Boston or the battle of Concord.

But, we are told by some gentlemen that this is not a question of magnitude. What is a question of magnitude? If the people of the United States are to go to war with Britain for a three penny tax on tea, is not that a question of magnitude—for there is a great political principle involved in that tax. And what is the real state of the country? The quarter from which we have most to dread is speculators—land-jobbers, and if you can preserve the interests of the community inviolable against them, your inferior interests are safe. And where do we find every land-jobber, *in actione* or *passu*, but rallying round this iniquity? And what will be the event if, by little and little, you sanction these claims—the pretensions of these men—but that you will fall beneath the power of Yazoo men—of speculators in land and paper scrip? And is not this a question of magnitude, Whether a country embracing forty millions of acres shall be bartered away? And is it not a great principle, whether a Legislative body has a right to sell their votes, and whether the rights vested by them shall pass? No, the question whether you shall lay a duty of two per cent. is a question of magnitude, and is reported at full length; but this is not a question of magnitude! Yes, they all draw together! Yesterday you decided that contractors were not officers. Now, mark, if the contractors and Yazoo men do not draw together, to pull this thing out of the mire; it is a thing well understood, and we well understand the men who advocate it.

But the gentleman from Pennsylvania asks, Are we a set of men so corrupt? Is this, indeed, the state of things? The gentleman ought to know there are different sorts of corruption. There is a corruption of interest, that is number one; there is a corruption of timidity, which consists in men not saying what they think, that is number two; there is a corruption of Court influence—of party—and there is a corruption, which, though last is not least, the corruption of irreconcilable, personal animosity—a corruption which will engage a man to go all lengths to injure him whom he hates and despises, or rather, whom he cannot despise, because he hates. And when we take all these considerations into question, and that there are men now ready to grasp your lands in Ohio, in Indiana, and your other territories, are we willing to become parties to this solemn league and covenant? If we carry on this affair one step farther, what will be the situation of the nation? I call on gentlemen (whom I have no right to consider under the influence of personal or private interest) to vote with effect this day, or to give up their country to the fate that futurity has otherwise in store for it—to discard all idea of "scratch me, and I'll tickle you." It is out of the chances of futurity for this Assembly, or this nation, to be corrupted from any other source than land. There is no other fund can do it. But where is the use of taking airs on ourselves, and pretending to more virtues in our public than we get credit for in our private capacities? Look at the Legislature of Georgia. That body was composed of men with the same flesh and blood with ourselves. They were bought, and they followed the fate of every political body under the sun. They died a natural death. The whole question is, how long you shall keep this period off, and whether you will take poison to-day, or live out the time which God has allotted to you? Yes! who were the legislators of Georgia? They were the same men, elected by the same freeholders, possessed of the same qualifications, and, in many respects, the same men, who are now on this floor. I ask if my excellent friend from Georgia is more incorrupt than the Georgia Legislature were presumed to be? You may fix what stamp you please, a garter to the knee, or insignia to the breast, men are still liable to the same feelings, the same temper, the same fallibility.

We are told that this is a question on which we ought to have a dispassionate discussion. I am always for a dispassionate consideration of every important question before it is acted on; and I have given to this a dispassionate examination. But, I should despise myself, if I could come into this Assembly, and, like a cold-blooded naturalist, weigh the corruption of certain individuals of Georgia against the corruption of officers of this Government. I should despise myself, if I could dispassionately weigh the one against the other, and find the one outweighed the other half a drachm. The whole territory of the people of the United States is at stake. Say this bill shall not be rejected, falter, and what will be the effect? The whole of the public lands of the United States will follow the fate of the Yazoo business. It most certainly will. With all our virtue, there is land enough in the United States to buy us, and wo be to him that is put into this state of temptation. Let no man think too highly of his own incorruptibility. There was a Cato in the time of Rome, and I am willing, if it will satisfy the gentleman from Pennsylvania, to allow him to be the man. But, what will become of this Assembly when you bring into play a hundred millions of acres, and talk of the fund from which the British Parliament is corrupted? Once pass this bill, and the fund of the British Ministry will dwindle into insignificance. Go and engender Yazoo, and this curse of speculation, like the members of the polypus, cut it in as many pieces as you please, will appropriate to itself a new body? Where are you? You are now free. But

how long will you remain so, after giving your sanction to this bill? What have we seen? We have seen a question of momentous Constitutional importance brought forward in this House. What have we done? It is a standing Parliamentary jest, like the question of Parliamentary reform, in another body, after the accession of a great political reformer to the Ministry. I speak of the amendment to the Constitution relative to the tenure of the judicial office, and the proposition to purge this Assembly of contractors. It has gone to the family vault of all the Capulets, and a requiem has been sung over them. The gentlemen from Pennsylvania and New York have chanted repose to their souls.

But the gentleman from Pennsylvania asks if it is possible that in half an hour, or in a few hours, at the fire-side, or elsewhere, the vote of this assembly can be changed?—are we indeed so corrupt? Why, I have no hesitation to say, and I believe I am not out of order in saying so, the cause which principally drew my attention was this: When a gentleman who uniformly presides in Committee of the Whole with great dignity, was compelled to have recourse to strong measures to preserve decorum, I was surprised to see the gentleman from Pennsylvania quitting his seat, leaving his own province, and coming over to our fire-side, purposely to create a disturbance. I wish to be understood, before I sit down, as not having made a single allusion to the gentleman from Vermont (Mr. FISK,) I abjure the idea. But I did hear gentlemen who are the most eager advocates of the Yazoo claims, declare time was not allowed to consider them, and when I witnessed such unblushing effrontery, I could not withhold the remarks I made. What will be the effect of a simple vote of this House, that this bill shall not pass, taken *secundum artem, more majorum*? It will be this, that the House are of opinion that there are some errors in its details, some inaccuracy in it which ought not to be admitted, and that, therefore, it is rejected. And what will this prove to men who will not see the sun at mid-day? To Yazoo men, blind to all iniquity perpetrated in Georgia? They will tell you it may have been rejected on account of some small defect; they will come forward at the next session with an accession of strength, and you will have the same ground to go over again. Hence the necessity for the explicit, prompt, and strongly marked indignation of this House in its immediate rejection. A man who shall merely vote against the bill in its last stage shall not by me be considered as merely committed, we shall not know what his reasons are for his vote; but a man who votes in this stage of the business for the rejection of the bill cannot be considered as a trimmer, he will show himself to be a decided man against it under all modifications. Under present circumstances it is of the last importance that the House of Representatives should do what they have a legislative right to do—say that this bill shall be rejected; that the hopes of the claimants may be crushed as far as they can be by a vote of this House.

Mr. GOLDSBOROUGH.—I did not stand in need of the injunction of the gentleman from Virginia, if I wished to decline voting on this occasion, to go out of the bar; but so long as I hold a seat in this House I will never consent to do this. For I should think myself placed in a most contemptible situation, if any of my constituents should ask me what vote I gave on a particular occasion, I should be obliged to tell him that instead of giving a vote I skulked behind the bar.

Mr. J. RANDOLPH said he assured the gentleman he imputed to him no improper motive. He had been totally misunderstood if the gentleman drew any such inference from what he had said.

Mr. GOLDSBOROUGH said he was gratified by the gentleman's explanation, but he hoped he would be permitted to go on. When he had desired a postponement till Monday, it was from the best motives. He said he cared nothing for the Yazoo claims; he had no interest in them. He was sorry the vote excusing him from voting had been re-considered. He deemed himself at liberty at all times to decline voting when he was not duly informed; he should not, therefore, vote on the present occasion.

Mr. KELLY said he should vote against the rejection of this bill, to allow further time for a discussion of the subject, without pledging himself how he should vote on its final passage.

Mr. SAILLY said he did not wish to give a vote without information. He thought this business unnecessarily hurried. He considered it the duty of the new members, who were not informed on it, to vote against the rejection of the bill, which was the only way of refuting such arbitrary conduct.

The question was then put, Shall the bill be rejected, and passed in the affirmative—yeas 62, nays 54, as follows:

YEAS—Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, William Butler, Levi Casey, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Frederick Conrad, John Dawson, Elias Earle, John W. Eppes, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, David Holmes, Walter Jones, Thomas Kenan, Michael Leib, Duncan McFarland, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jun., Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rhea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Thomas Spalding, Richard Stanford, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Willis Alston, jun., Joseph Barker, Silas Betton, Barnabas Bidwell, John Campbell, John Chandler, Martin Chittenden, Orchard Cook, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., William Dickson, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Isaiah L. Green, Seth Hastings, William Helms, David Hough, John G. Jackson, James Kelly, Joseph Lewis, jun., Matthew

Lyon, William McCreery, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin jun., Josiah Quincy, John Russell, Peter Sailly, Martin G. Schuneman, John Cotton Smith, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Elipha1et Wickes, Marmaduke Williams, and Nathan Williams.

So the bill was rejected.

Mr. J. RANDOLPH moved that the House adjourn. He said that a few days ago the House had adjourned on account of the death of General Jackson. He hoped they would now adjourn on account of his resurrection. For he had told him, that if he could give a death-blow to the Yazoo business, he should die in peace.—Adjourned, yeas 58.

TUESDAY, April 1.

Mr. THOMAS. from the committee appointed, on the third of December last, on the subject of post offices and post roads, made a report thereon; which was read, and ordered to be referred to the Committee of the whole House to whom was committed, on the twenty first ultimo, the bill further to alter and establish certain post roads.

The SPEAKER laid before the House a report from the Secretary of War, on the petition of the officers of the army serving in Louisiana, referred to him by an order of the House on the twenty-fifth ultimo; which was read, and referred to a Committee of the Whole to-morrow.

Mr. EARLY, from the joint committee appointed, to consider and report what business is necessary to be done by Congress in the present session, made a report thereon; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act to extend jurisdiction, in certain cases, to the Territorial courts." No amendment being made, the bill was ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to repeal so much of the act, entitled 'An act regulating foreign coins, and for other purposes, as is contained in the second section thereof;" with several amendments; to which they desire the concurrence of this House. The Senate recede from their amendment disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," so far as to admit a modification thereof, in conformity to the report of the Joint Committee of Conference.

Mr. JOHN C. SMITH, from the Committee of Claims, to whom was referred the petition of Rebecca Hodgson, widow of Joseph Hodgson, deceased, made the following report:

That the petitioner's husband, when living, leased to Samuel Dexter, as Secretary of War, a dwelling-house, in the City of Washington, for the use of the War Department: that, amongst other things, it was covenanted by the lessee to surrender the demised premises, at the expiration of the term, in good repair; ordinary decay and inevitable casualties excepted: that the house was consumed by fire, not occasioned by lightning, nor by the fault or negligence of the lessee; but, as is rendered highly probable from the evidence, by a serious defect in the original construction of the building: that a suit was instituted against Mr. Dexter, upon the covenant beforementioned, which terminated in his favor, on the ground that, if any liability grew out of the transaction, it attached to him in his official, not in his individual capacity; in which case the Government, and not the officer, was to be considered accountable: that no other question relating to the merits seems to have been agitated by the Supreme Court of the United States, where the cause was ultimately decided: and that it remains for the Legislature to determine whether, from the foregoing statement, the Government is bound, in justice, to make the reparation prayed for by the petitioner.

From an attentive consideration of the subject, your committee can discover no sufficient reasons for recommending the desired relief. They are of opinion that the prayer of the petitioner ought not to be granted.

Ordered to lie on the table.

MICHIGAN TERRITORY.

On motion of Mr. JACKSON, the House resolved itself into a Committee of the Whole on various bills relative to the Michigan Territory. Various amendments were made to these bills.

Mr. JACKSON moved to increase the salary of the Governor from 2,000 to 3,500 dollars, which motion was disagreed to without a division, as was a motion to augment it to 3,000.

A motion to allow 2,500 dollars was disagreed to—ayes 18; when 2,000 dollars were agreed to.

In fixing the salaries of the judges, Mr. JACKSON proposed to allow the chief judge 1,600 dollars—motion lost.

It was then agreed to allow 1,000 dollars—ayes 49 noes 35. And the same sum to the associate judges—ayes 42, nays 40. The salary of the Secretary was fixed at 900 dollars—ayes 53.

The Committee rose and reported their agreement to the bills, with sundry amendments, in which the House concurred.

Mr. VARNUM said he observed a provision in one of these bills authorizing the admission of the people of the Territory as a State into the Union, whenever their numbers should amount to 40,000. He wished to know on what principle a different rule was applied to this Territory from that applied to the other Territories.

Mr. FINDLEY moved to strike out the section. He observed that when their population amounted to 60,000 they must be admitted. Until that period, under the present acts, the power of an earlier admission was discretionary with Congress. He thought it best that the business should rest on this footing.

Mr. JACKSON advocated the section. He remarked that the course pursued relative to the Northwestern Territory afforded a precedent in point, as they were formed into a State when

their numbers but little, if at all, exceeded 40,000. Nor could it be consistent with republican policy to keep the Territories of the United States in a state of vassalage to the longest period within the power of the United States. By admitting them into the Union at an early period, we should most effectually conciliate their affection and insure their attachment to us; whereas, by withholding this privilege we may proportionably estrange their regard. This provision would likewise supersede the trouble of acting on the annual memorials which, it was probable, would be presented to Congress. It would also promote the settlement of the frontier of the United States, and afford it a protection without resort to a military force.

Mr. Smilie replied—when the question was taken on striking out the section and carried—ayes 71.

The bills were then ordered to be engrossed for a third reading.

PLURALITY OF OFFICES.

On motion of Mr. John Randolph, the House took up the report of the Committee of the Whole on sundry resolutions agreed to by them on the 28th ultimo. When the question was put on concurring in the report of the Committee of the Whole in their agreement to the second resolution, as follows:

2d. Resolved—That the union of a plurality of offices in the person of a single individual, but more especially of the military with the civil authority, is repugnant to the spirit of the Constitution of the United States, and tends to the introducing of an arbitrary Government.

Mr. Bidwell said, he would very concisely assign his reasons for voting against this resolution. It declares that "the union of a plurality of offices 'in the person of a single individual, but more 'especially of the military with the civil authority, is repugnant to the spirit of the Constitution 'of the United States, and tends to the introducing 'of an abitrary Government." It appeared to him that this was not a correct declaration. If the Constitution itself be referred to, it will appear that it recognises an union of civil and military officers in the same person. Such an union is to be found in the First Magistrate of the United States, who exercises the highest Executive civil functions, and is at the same time Commander-in-Chief of the Army and Navy, and of the militia while in actual service. The same principle pervaded the Constitution, he believed, of every State. There was also an union of civil and military authority in several offices, by acts of Congress. This was the case with the marshals in certain cases, and officers who are charged with the superintendence of Territorial affairs. If it were proper, said Mr. B., as I do not think it is, by a vote of this House, to undertake to define the Constitution, it still appears to me that we cannot consistently say that the union of a plurality of offices in the person of a single individual, but more especially of the military with the civil authority, is repugnant to the spirit of the Constitution of the United States. A declaration of that kind would be a vote of censure on the people of the whole United States, for having adopted the Federal Constitution, on the people of the several States, for having adopted their constitutions, and on the Legislatures under both Governments, for having passed laws which authorized such an union.

Mr. J. Clay said, the objections of the gentleman arose from not having properly considered the nature of the union of civil and military office in the First Magistrate. By the Constitution, the military was placed in strict subordination to the civil power. For this reason the President of the United States had placed under his control all the officers of the Army and Navy. The union contemplated in the resolution before you, said Mr. C., is that which gives the actual discharge of civil powers to an officer who has actual command of your army. I ask if it was ever in the contemplation of the Constitution, that the President should in person head your armies and command your fleets? I believe not. There exists in one of the Territories such an union as is contemplated in the resolution. In Louisiana a person holding the office of Governor, is at the same time Commander-in-Chief of the Army of the United States, in virtue of his appointment of Brigadier General. Will any man pretend to say that an union of offices, such as these, the discharge of whose duties is incompatible, is such an union as is contemplated in the Constitution? No; the union in the Constitution was only intended to give the President a control over the Army and Navy; while this resolution contemplates the positive and actual union of powers in the same person, powers, which at the same time he may be called upon to exercise at different and distant places. To separate these powers is the object of the resolution. I hope the resolution will be agreed to, and the separation take place.

Mr. Smilie said he did not know that he should have any objection to the third resolution, although he had not made up his mind upon it. But with regard to the resolution under consideration, he could not agree to it. He did not know that there was a right in that House to declare what the Constitution was. The Constitution must speak for itself, and they had no right to supply any deficiency in it. When a particular case occurred they might construe it, but he never heard of an instance where a Legislative body put a construction upon it without the existence of a particular case; nor did he believe they possessed such a power. The resolution declared an union of a pluralty of offices in the same person repugnant to the spirit of the Constitution. He did not know where to find that spirit but in the letter of the Constitution. He had looked it carefully over, and had not been able to find a single expression that warranted such an inference. He called on gentlemen to point their finger to a single section of it that justified the inference. If at this rate they continued to supply its defects, he did not know where the thing would end. He himself thought the instrument

very defective, yet he never thought himself at liberty to remedy the defects but in the way pointed out in the Constitution. If examined it would be found, as it originally stood, to be extremely defective. In providing for the powers of the Government it had almost entirely overlooked the rights of individuals. These defects excited great objection to the instrument. They were, however, supplied by the first Congress, and gentlemen would find that almost all the amendments which have been incorporated into it, go to secure the rights of individuals. Though these amendments constitute what might be called the marrow of the Constitution, Mr. S. said, he should not have considered himself authorized, if they had not taken place, to remedy the evil in any other than a Constitutional way. But he did not deny that it was a defect in the Constitution, that the military and civil authorities were not kept separate. But the simple question was, had they a right under the Constitution to separate them? He thought not. In every point of view, he said, in which he contemplated the resolution, he thought it one of the most dangerous attacks on the Constitution he had ever heard of.

Mr. J. RANDOLPH.—My friend from Pennsylvania has left me little to say on the question, and indeed I have heard nothing in the shape of argument, or assertion, but what I was prepared to hear, and of which I apprized the House some time ago. It has come out at last from the lips of a man who has prided himself upon being the champion of the Constitution of the United States to-day, although but a few days ago he threatened us with a dissolution of the Union, that the Constitution has no spirit in it. He calls on any man to lay his finger on that spirit. What does the Constitution of the United States say? Does it not guarantee to each State a Republican form of Government? Is there no spirit in this? Is not the Constitution then devised under the influence of a Republican spirit, for the benefit of the people who are governed by it, and not for the exclusive benefit of those who administer it? Will any man pretend to say that a Republic is anything or nothing? And that it is congenial to such a Government that the civil and military authority should be vested in the same hands? Is it not of the very essence of such a Government that the military should be kept in strict subordination to the civil power? And have not your laws, which give to marshals in certain cases a power over the military, been passed to keep the military under such subjection? How is the military to be kept in such subjection, when, according to the usage of the Romans, the leader of an army is the Governor of a province? If the Constitution has no spirit in it, it is a dead, lifeless thing, not worth the protection of any man of sense. But I am happy that it has a spirit, which I trust will save this nation, even if its letter shall be killed.

But we are told that this is a declaratory resolution. Gentlemen may call it a declaratory resolution, or a preamble to the third resolution, which ever they may see fit, but it is the reasoning on which the third resolution is founded. What is it but a declaration on the part of this House, which they have a right to make, that a certain principle is salutary, because it is consonant with the spirit of the Constitution? Is it not agreeable to the spirit of the Constitution that the three great Departments of the Government, Executive, Legislative, and Judicial, should be kept separate and distinct? Is there a man fool-hardy enough to deny the proposition? I believe not. Now, suppose we were about to devise a form of Government for New Orleans and Louisiana, and a member should propose to concentre all the powers of the Government in one and the same body, and a resolution should be laid on the table declaring that whereas an union of Executive, Legislative, and Judicial powers in the same body is repugnant to the spirit of the Constitution, and should go on in the shape of a resolution to apply the remedy—and some man should make the wonderful discovery that the Senate of the United States are constitutionally participators of the Executive power of the Government, and that in case of impeachment they have also Judicial powers, and infer from this that such an union was consonant with the spirit of the Constitution—would not this be a satire on the Constitution as well as those who adopt it?

Suppose all offices in the gift of the Executive Government were united in one man. I do not see, if this is consonant to the spirit of the Constitution, and a man is properly qualified, why he may not unite in himself the powers of all the Departments. The Secretary of War may, on the same principle, be Commander-in-Chief of the Army. No,—it is not because this resolution is a satire upon the people who framed or adopted the Constitution, but because it is a satire, a reproof of which the times call for, that gentlemen are so extremely tender relative to it; and the question now is, whether the House ought, in tenderness to any man, to flinch from the exercise of their Constitutional powers. What would I have said seven years ago to any man who should have told me that the gentleman from Pennsylvania would have been found in opposition to this measure—who should have predicted that the rugged patriot of those days should be softened by Court favor into so accomplished a courtier? It shows that what cannot be done by force or violence, may be by influence. This question may be put into a short compass. It is, whether the Constitution of the United States is a republican Constitution, devised and adopted for the benefit of the people it governs, or a piece of mechanism, to be tortured and twisted in the hands in which chance may throw it, for the benefit of a temporary incumbent. If the case has come to this, that the Chief Justice may be made Commander-in-Chief of the Armies, without the Constitution being violated, it is time the nation should know their situation.

Mr. SLOAN said he had examined the resolution, and would cordially give his assent to the principle contained in it, provided it were brought forward in the form of an amendment to the Constitution. He thought, with his friend from Penn-

sylvania, that, as it stood, it was a dangerous attack upon the Constitution. He therefore trusted it would be rejected, and that every similar attempt would be treated in the same manner.

Mr. QUINCY said he would merely observe, that, though it were true that an union of civil and military offices in the same person was repugnant to the spirit of the Constitution, it was not true that an union of different offices in the same person was repugnant to it. They had to-day united two offices in the same person, in the bill relative to the Territory of Michigan. They had heretofore constituted several of the officers of the Government Commissioners of the Sinking Fund. He could see nothing in the Constitution which interfered with a plurality of offices, which in many instances was attended with great practical benefit. As there was therefore in the Constitution nothing explicit against this union, he could not vote for the resolution.

Mr. GREGG said, he believed it was contrary to the spirit of the Constitution, that civil and military offices should be united in the same person; but, he would ask, what benefit would result from such a declaration? The power of appointing to office was vested in the President and Senate, who were sworn to support the Constitution. They were, therefore, the judges of the powers with which they were invested. In the exercise of this power, they have actually declared that they do possess it. What does this resolution amount to? If they undertook to declare the President guilty of such a flagrant act as involved a violation of the Constitution, it was their business to impeach him. Mr. G. said, as he could see no good likely to arise from this resolution, he should not vote for it. The practice it referred to was not new, though he had always thought it wrong. He recollected, that, some years since, the Governor of the Northwestern Territory was likewise Superintendent of Indian Affairs and Commander-in-Chief of the Army, for all which appointments he drew pay, though no notice had been taken of it. Other instances of the same kind might be pointed out. He did believe this union was contrary to the spirit of the Constitution—to the true spirit of a republican Government—and if the gentleman from Virginia would bring forward an amendment to the Constitution to prohibit such an union, he would vote for it.

Mr. FINDLEY said he did not understand the language of the spirit of the Constitution. Spirit was altogether an immaterial thing—it was only when connected with the body that they could see it—and with regard to the Constitution, it could only be seen through its letter. How long is it, said Mr. F., since the gentleman from Virginia and myself agreed to unite in the same body both civil, military, and judicial powers? We did so, in forming the first government for the Territory of Orleans. Mr. F. said he was against all such declaratory resolutions. They did not bind Congress, the President, or even the next House of Representatives. They only contained an expression of opinions where there was no authority. They were sent here to pass laws, and not to make declarations relative to the Constitution.

Mr. RHEA, of Tennessee, said he considered the Constitution as a sacred deposit placed in their hands, and not capable of alteration, except in the way fixed by itself. Every resolution similar to that under consideration operated as an amendment to it, which went to torture and twist it out of its proper shape. He should, therefore, not only vote against this resolution, but against every resolution which appeared to him to have a similar effect.

Mr. J. RANDOLPH.—Six years ago, there could not have been a doubt of the right of this House to pass this resolution—now, the right is disputed. Have we not a right to pass a resolution referring to the Constitution, in order to bring in a law grounded on it? Do we not do this every day? One word as to the appointment of General Wilkinson. Gentlemen are fond of sheltering themselves behind great names. I have no hesitation in saying I think the Executive was wrong in making that appointment. I have no hesitation in saying so here, though gentlemen who join me out of doors are reluctant to make the same declaration on this floor. I do not think, however, the persons who made the appointment as reprehensible as the persons at whose importunate solicitation it was made. I believe that a man of good sense, and of upright intentions, may be induced to do that which his own judgment will afterwards condemn. It is well known, that the antechambers of our great men were crowded with applicants for offices in Louisiana. I have understood that for every office there were at least one hundred and fifty applications. Thus much for the idea which has been thrown out of the existence of a scarcity of characters to supply these offices.

But we are told that we ourselves have done as bad as this, in establishing the temporary government of Louisiana. If gentlemen bring me many more precedents on this subject, I shall be compelled to say that purchase was the greatest curse that ever befel us. What! Shall a temporary system, formed on an emergency, when it was necessary to do something to take the country into our hands, be compared to a deliberate and systematic procedure?

But there is another reason alleged for uniting a plurality of offices in one person, and that is the lowness of salaries. I do not know any spectacle more disgusting to a man of unsophisticated feelings, than that of men hunting, with all the avidity of terriers, after appointments, and the next moment complaining that the salaries attached to their places are too low. Before they get the office they have no objection to the salary, but the moment they are on the saddle, they discover that they have sacrificed their talents to the public good. This is the cant of the whole tribe—the slang of those men whose last object is to live on their own honest exertions, and who are therefore for making a job of Government.

One observation has been made, which shows that the meaning of this resolution has not been

properly understood, which relates to the Commissioners of the Sinking Fund. But the Commissioners of the Sinking Fund are not, strictly speaking, officers. The duties they discharge are *ex officio*, in virtue of their holding other high offices, and, as Commissioners, they receive no salary. I will go further, and state that this resolution does not contain any veto on the union of small offices, such as those in the custom-houses, where the compensation attached to each appointment is too small to support the officer, and the duties too inconsiderable to occupy his time; in consequence of which, several small appointments are united in one man, on the true principles of economy. No; this resolution is intended for great cases, such as that which has been alluded to. I believe that the person who made that appointment is himself conscious that it was wrong, and that, so far from entertaining the feelings which gentlemen have imagined, he will feel a sentiment of respect for this House, should they pass it.

Mr. VARNUM considered the resolution as going too far, and said it was a very common thing for two offices to be united in one man. It had been usual to unite the diplomatic character with the military command in our intercourse with the Indians, and a diplomatic character had likewise been given to our naval commander in the Mediterranean. Instances of a plurality of offices in one person were very numerous. If there existed, at present, any case, in which such an union was incompatible with the discharge of official duties, he hoped it would be pointed out; whether there was or was not, he could not say. But where did the responsibility for such appointments lie? Not that House, but the other branch of the Legislature was responsible; for the correct discharge of whose duties they were accountable to the people. Where, then, was the propriety of an interference by the House? If the President made an appointment against the spirit of the Constitution, the people would know it. Was it presumable that if a law was to pass this House, predicated on the resolution under consideration, the other branch of the Legislature would agree to it, after having sanctioned the appointments at which it is levelled? Was this House to sit as a court of censure? The Constitution did not delegate such a power. Our very laws, in various cases, direct the union of office prescribed by the resolution. Ought we not, then, in the first place, to repeal those laws before we pass a resolution in direct hostility to them?

Mr. V. said, he had no hesitation to observe, that the military and civil office should, in general, be kept distinct; but he believed there were cases where it was necessary. He was perfectly willing to leave the responsibility where the Constitution had placed it—in the hands of the President and Senate. With regard to the union of the military office in the cases alluded to, he would not undertake to say whether it was proper or not. He could readily, however, conceive, that the union arose from the most correct motive, as the country was a frontier, which might be menaced with danger, and which might require the united exercise of the military and civil authority to repel it.

Mr. J. CLAY said, he would ask whether the ordinary union of military and civil powers in the Governors of the Territories was such as that contemplated in the resolution? The case of the Governor of Louisiana had been alluded to, where the same person, he believed, received the pay of Governor and Brigadier. Is that the case with the other Governors? He believed gentlemen would not say that it was necessary that the Governor of New Orleans should be a brigadier general in the army; and yet they allowed that to be the most vulnerable point on the frontier. If, then, they say that the union is necessary in one case, they will admit that it ought to be in the other. When the marshal executes the petty military authority with which he is invested, does he receive additional pay? Does the Governor of a State, being commander of the militia, bear any relation to the Governor of Louisiana, holding a high rank in the standing army? Suppose the southern frontier should be invaded, and it should be necessary to call out the army to defend it, where would be the compatibility of these two appointments? The same individual might be called at one and the same time to St. Louis and St. Mary's. He would ask whether it was compatible with the spirit of the Constitution for a man to enjoy a sinecure? and whether one of these offices was not a sinecure, when the discharge of its duties was inconsistent with that of the other?

Mr. LEIB said that, viewing the resolution as an abstract proposition, he had no objection to giving it his support; but if was intended as a side attack upon the Administration, he was not prepared to vote for it. Before he was prepared to act on it under this view, he wished for facts which were not before the House. He, therefore, moved a postponement of the resolution till Monday.

The motion to postpone was lost.

The question was then taken on agreeing to the resolution, and decided in the negative—yeas 31, nays 81, as follows:

YEAS—Burwell Bassett, George M. Bedinger, William Butler, Levi Casey, Martin Chittenden, Christopher Clark, Joseph Clay, Matthew Clay, William Dickson, Elias Earle, James M. Garnett, Peterson Goodwyn, Edwin Gray, Walter Jones, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, Thomas Moore, John Morrow, John Randolph, Thomas Sammons, Thomas Sandford, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, Philip R. Thompson, Abram Trigg, David R. Williams, and Alexander Wilson.

NAYS—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, George W. Campbell, John Chandler, John Claiborne, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth

Hastings, David Holmes, David Hough, John G. Jackson, James Kelly, Thomas Kenan, Joseph Lewis, jun., Duncan McFarland, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, Henry Southard, Joseph Stanton, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Eliphalet Wickes, Nathan Williams, Richard Winn, and Joseph Winston.

The resolution was consequently rejected. And then, an adjournment being called for, the House adjourned.

WEDNESDAY, April 2.

Mr. GREGG, from the committee to whom was referred, on the thirty-first of December last, the petition of sundry settlers and purchasers of lands northwest of the Ohio, and between the Miama rivers, made a report thereon; which was read and considered: Whereupon,

Resolved, That the register and receiver of public moneys of the land office in the district of Cincinnati, be authorized to grant certificates of a right of pre-emption to any person residing on any of the reserved sections, (other than the reserved section number sixteen,) for the tract on which he resides, on the applicant producing to them satisfactory evidence that his claim was within the provisions of the eighth section of an act, entitled "An act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes;" provided that the person shall exhibit the evidence of his claim before the first day of August next; and provided, such certificate shall not be granted for a larger tract than a quarter section, nor for any other tract than that on which he resides.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee on Public Lands do prepare and bring in the same.

Mr. JOSEPH CLAY presented to the House a petition of sundry officers who served in the British army, during the war between France and Great Britain, in America, in the year one thousand seven hundred and fifty-five, which was received and read, praying to be confirmed in their respective titles to lands in the State of Kentucky, granted to them by the King of Great Britain, in consideration of military services rendered the American Colonies, during the said war with France. —Referred to the Committee on Public Lands.

The House resolved itself into a Committee of the Whole on the bill making appropriation for the support of the Military Establishment of the United States, for the year one thousand eight hundred and six. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments of the Senate to the said bill: Whereupon,

Ordered, That the said amendments, together with the bill, be referred to the Committee of Claims.

The House proceeded to consider the modifications of the amendment by the Senate to the bill, entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," disagreed to by this House: Whereupon,

Resolved, That this House doth disagree to the modifications by the Senate of the said amendment, and doth adhere to their disagreement to the same.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to revive and continue in force an act, entitled 'An act to suspend, in part, the act, entitled an act regulating foreign coins, and for other purposes;" Whereupon,

Ordered, That the said amendments, together with the bill, be referred to Mr. JOSEPH CLAY, Mr. THOMAS, Mr. THOMAS M. RANDOLPH, and Mr. MUMFORD.

An engrossed bill to provide for the adjustment of titles of land in the Territory of Michigan, and for other purposes, was read the third time, and passed.

An engrossed bill supplementary to the act, entitled "An act to extend jurisdiction, in certain cases, to the Territorial courts," was read the third time, and passed.

Mr. J. RANDOLPH stated that an understanding had taken place between the Minister of the United States at Paris, and the French Minister of the public treasury, as to the payment of claims of American citizens, generally called Bordeaux embargo claims, (the payment of which had heretofore been suspended,) by which it was agreed that payment should be made at the Treasury of the United States. Under the existing provisions, this authority did not attach to the treasury. He had, therefore, been instructed by the Committee of Ways and Means to present a bill to give this power. He accordingly offered a bill supplementary to the act making provision for the payment of claims of certain citizens of the United States on the Government of France; which was referred to a Committee of the Whole.

Mr. VARNUM reported from the committee appointed to inquire into such measures as it is expedient to adopt for the complete arming of the militia of the United States, giving a very interesting detail of the extent to which the militia are at

present armed; by which it appears that there are in the hands of the militia 250,000 fire arms, and 120,000 in the public magazines of the United States. The report recommends an additional appropriation of $61,000 toward the manufacture of arms; which was subsequently introduced in the military appropriation bill.

Ordered, That Mr. SANDFORD be of the committee appointed, on the twenty-first ultimo, to inquire into the conduct of Gideon Granger, Postmaster General, in the room of Mr. CLINTON, who has leave to be absent from the service of this House.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States;" which was read twice, and committed to a Committee of the whole House on Monday next.

Mr. BASSETT presented to the House a petition of Amelia Eugene Beaumarchais, heiress and representative of the late Caron de Beaumarchais, deceased, by J. A. Chevallie, her attorney, which was received and read, praying to be relieved from an unfavorable settlement at the Treasury of the United States, of the accounts of the deceased, for supplies furnished, and services rendered to the United States, during the Revolutionary war with Great Britain.

Ordered, That the said petition be referred to the Committee of Claims.

On motion of Mr. NEWTON, the resolution offered by him on the 29th ultimo, proposing an amendment to the Constitution: "That no person 'holding a contract under the Government of the 'United States, or who shall, directly or indirect-'ly, participate in the emoluments of such con-'tract, shall be capable of holding a seat in the 'Senate or House of Representatives of the Uni-'ted States—was referred to a Committee of the Whole on the state of the Union.

The House resolved itself into a Committee of the Whole, on the bill making military appropriations for the year 1806.

Having gone through the same, the Committee rose and reported the bill, and the House ordered it to a third reading to-morrow.

CHARLESTOWN, VA.

Mr. JACKSON called for the order of the day on the report of the Committee of Commerce and Manufactures, on the petition of sundry inhabitants of Charlestown, in Virginia, praying that that place should be made a port of entry.

Mr. LEIB moved an indefinite postponement of the report.

Mr. JACKSON opposed this motion, and spoke at some length in favor of the Constitutional right of the petitioners to be allowed a port of entry.

Mr. CROWNINSHIELD, though against postponement and in favor of discussing the principle, contested the right.

Mr. LEIB withdrew his motion; when the motion to consider the report was disagreed to—only 13 members rising in favor of it.

RELEASE ON CUSTOM-HOUSE BONDS.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, to whom was referred, on the 4th instant, by the House, the petition of Francis Barretto, of the city of New York, made the following report:

The petitioner prays that Congress would relieve him from the payment of a custom-house bond, where he is the surety, or, if this is deemed improper, as he is in indigent circumstances, he hopes that some favorable arrangement may be made for him, whereby his person may be exempt from arrest, under the judgment obtained against him, at the suit of the United States.

The following facts appear in this case: The petitioner, on the 17th day of July, in the year 1795, together with George Arnold and James Harrison, became bound to the United States, as sureties for Jose Joaquim La Costa, for duties on the cargo of the brigantine Los Amigos, from Madeira, amounting to the sum of nine thousand dollars. The person who signed the bonds as principal having failed in his business, and neglecting to pay the debt, suits were commenced for the recovery of the duties, upon which judgment was obtained, and the principal debtor was a long time confined in the jail of New York, and was finally liberated pursuant to an act of Congress, passed sixth of June, 1798, upon assigning all his property to the use of the United States. It is further stated, that the other two sureties, James Harrison and George Arnold, being totally insolvent, have departed from the United States; and the petitioner, unable to struggle with the difficulties and loss of mercantile credit which he had incurred, was under the necessity of taking the benefit of the bankrupt act. Since the discharge from his private creditors, the Attorney of the United States for the New York district has recovered judgment against him for the amount of the bond, and he is liable to be imprisoned from day to day.

He is totally destitute of property, and has a numerous family of young children, who depend upon his exertions for their education and support. In this distressing situation he is unable to pursue any business to advantage, and can only expect or hope for relief from the benevolent interposition of Congress.

The committee remark, that the petitioner's misfortunes do not appear to be owing to his fault or neglect. He placed implicit confidence in the person who was principal on the bond, and expected he would pay it; he was deceived in this expectation. His own funds were, and still are, inadequate to meet the payment. He is totally destitute of property. The United States cannot expect to receive anything from the petitioner. Thus circumstanced, and well knowing that Congress have, in several instances, where any meritorious cases presented themselves, made provision for the relief of persons who were unable to pay their debts, the committee conceive that the House will readily agree to exempt the person of the petitioner from arrest for the debt owing to the United States. Similar bills have been reported during this session for the relief of Francis Johonnot and John McFadon, and the present petitioner has equal, if not superior claims upon the humanity of Congress. The committee beg leave to submit the following resolution:

Resolved, That the prayer of the petitioner, so far as to free his person from arrest or confinement, on account of any judgment obtained against him in behalf

of the United States, is reasonable, and ought to be granted.

Referred to Committee of the Whole on the bill for the relief of John McFadon and Francis Johonnot.

PLURALITY OF OFFICES

The House took up the unfinished business of yesterday, being the report of the Committee of the Whole, agreeing to the following resolution, offered by Mr. J RANDOLPH:

3d. *Resolved*, That provision ought to be made, by law, to render any officer, in the Army or Navy of the United States incapable of holding any civil office under the United States.

Mr. FISK moved to postpone this resolution indefinitely.

This motion was supported by Messrs. FISK, ELMER, and COOK; and opposed by Messrs. J. CLAY, J. RANDOLPH, and J. C. SMITH,

When the question was taken by yeas and nays, and the motion disagreed to—yeas 43, nays 72, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Barnabas Bidwell, John Chandler, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Davenport, junior, Peter Early, Ebenezer Elmer, William Findley, James Fisk, Andrew Gregg, Isaiah L. Green, Silas Halsey, William Helms, James Kelly, John Lambert, William McCreery, Gurdon S. Mumford, Roger Nelson, Gideon Olin, John Pugh, John Rhea of Tennessee, John Russell, Peter Sailly, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Eliphalet Wickes, and Nathan Williams.

NAYS—Burwell Bassett, George M. Bedinger, Silas Betton, John Blake, jr., Thos. Blount, Robert Brown, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, John Dawson, William Dickson, Elias Earle, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Peterson Goodwyn, Edwin Gray, John Hamilton, Seth Hastings, David Holmes, David Hough, Walter Jones, Thomas Kenan, Michael Leib, Joseph Lewis, jr., Duncan MacFarland, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Thomas Newton, jun., Timothy Pitkin, jun., Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, Robert Whitehill, David R. Williams. Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

The question was then taken that the House do agree with the Committee of the whole House in their agreement to the said resolution, and resolved in the affirmative—yeas 94, nays 21, as follows:

YEAS—Willis Alston, jun., Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, Silas Betton, William Blackledge, John Blake, junior, Thomas Blount, Robert Brown, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, John Dawson, William Dickson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, William Findley, James Fisk, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, Thomas Kenan, John Lambert, Michael Leib, Joseph Lewis, junior, Duncan MacFarland, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Thomas Newton, junior, Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Smilie, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Sam'l Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, Robert Whitehill, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Joseph Barker, Barnabas Bidwell, John Chandler, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Davenport, junior, Ebenezer Elmer, Isaiah L. Green, James Kelly, William McCreery, Roger Nelson, John Rhea of Tennessee, John Russell, Ebenezer Seaver, James Sloan, Joseph B. Varnum, John Whitehill, and Eliphalet Wickes.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that Mr. JOHN RANDOLPH, Mr. DAVID R. WILLIAMS, and Mr. JOHN C. SMITH, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole, on the bill further to alter and establish certain post roads; and, after some time spent therein, the Committee rose and had leave to sit again.

THURSDAY, April 3.

The House resolved itself into a Committee of the Whole, on the bill supplementary to the act for the payment of the claims of citizens of the United States on the Government of France. The bill was reported without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. JOSEPH CLAY, from the committee to whom were referred, yesterday, the amendment of the Senate to the bill, entitled "An act to revive and continue in force an act, entitled 'An act to suspend, in part, the act, entitled 'An act regulating foreign coins, and for other purposes," reported their agreement to the same with several amendments; which were severally twice read, and agreed to by the House.

The House again resolved itself into a Commit-

tee of the Whole, on the bill further to alter and establish certain post roads. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Gilbert C. Russell;" to which they desire the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a supplementary list of bills drawn by the Minister Plenipotentiary of the United States at Paris, for claims embraced by the convention with the French Republic of the thirtieth of April, one thousand eight hundred and three, which have been presented at the Treasury, and not included in the list transmitted on the twentieth ultimo; which was read, and ordered to lie on the table.

Mr. MATTHEW CLAY, from the Committee on Public Lands, presented a bill in addition to an act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee;" which was twice read, and committed to a Committee of the Whole on Monday next.

An engrossed bill to amend the act, entitled "An act to divide the Indiana Territory into two separate governments, and for other purposes," was read the third time, and passed.

An engrossed bill making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and six, was read the third time. When the bill was recommitted to a Committee of the whole House immediately. The bill was reported with an amendment, and ordered to be engrossed, and read the third time to-day, which was done.

Mr. VARNUM observed, that a report on a new organization of the militia had been made at an early period of the session, of a negative kind; that a bill had been subsequently acted upon in the House in some measure implicating the points taken in the report; and that afterwards a bill on the subject had been brought before the Senate, which induced him to suspend calling the attention of the House to the report. That bill had been negatived. His object in rising was to state that, as the report was of a negative character, he should not think of calling it up, unless it was the wish of gentlemen that it should be discussed.

Mr. J. C. SMITH, from the Committee of Claims, reported that it would be expedient to agree to the amendments proposed by the Senate to the bill making provision for persons disabled by known wounds received during the Revolutionary war.

Mr. BLACKLEDGE moved a postponement of the consideration of the bill till to-morrow.

Mr. DAVID R. WILLIAMS moved an indefinite postponement.

This motion was opposed by Messrs. JOHN C. SMITH, J. CLAY, LEIB, VARNUM, BEDINGER, and VAN CORTLANDT.

Mr. DAVID R. WILLIAMS withdrew his motion, when it was agreed that the bill should lie on the table.

FRIDAY, April 4.

Mr. JOHN RANDOLPH, from the committee appointed on the second instant, presented a bill to prohibit officers of the Army and Navy from holding or exercising any civil office; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. CROWNINSHIELD, from the Committee of Commerce and Manufactures, presented a bill laying a duty on copper, therein described; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. DAWSON, from the committee appointed on the fourth of December last, to whom was referred a resolution of the House, of the twenty-ninth ultimo, presented a bill concerning the further safeguard of merchant vessels in the vicinity of the United States; which was read twice, and committed to a Committee of the whole House on Monday next.

Mr. DAWSON, from the committee appointed on the fourth of December last, to whom was referred, on the thirty-first of the same month, a resolution to inquire whether it is expedient to provide, by law, for fitting and preparing —— navy yards, belonging to the United States, on or near the shores of the Atlantic ocean, for the reception of ships and vessels of war of the United States, made a report thereon; which was read and considered: Whereupon,

Resolved, That it is not necessary to make any further legislative provision on this subject.

On motion of Mr. LEIB,

Resolved, That a committee be appointed to confer with a committee of the Senate, should the Senate think proper to appoint such committee, on the time that the two Houses of Congress ought to adjourn.

Ordered, That Mr. LEIB, Mr. CLARK, and Mr. TENNEY, be appointed a committee, pursuant to the said resolution, on the part of this House.

The bill sent from the Senate, entitled "An act for the relief of Gilbert C. Russell," was twice read, and committed to a Committee of the whole House on Monday next.

An engrossed bill further to alter and establish certain post roads, was read the third time, and passed.

An engrossed bill supplementary to the act for the payment of claims of citizens of the United States on the Government of France, was read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill for erecting certain light-houses in the State of Massachusetts, and for building a beacon or pier at Bridgeport, in the State of Connecticut. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendments, be engrossed, and read the third time to-day.

On motion of Mr. JOHN C. SMITH, that the House do come to the following resolution:

Resolved, That the Secretary for the Department of War be, and he hereby is, directed to procure from the several States, and present to this House, at their next session, a list of invalid pensioners who have been placed on the pension list of the respective States, in consequence of known wounds received in the actual service of the United States, during the Revolutionary war with Great Britain; noting particularly, as far as the same may be practicable, whether such pensioners served in the militia or in the line of the regular army; and, also, the monthly sum allowed to each pensioner.

Ordered, That the said motion do lie on the table.

An engrossed bill for erecting certain lighthouses in the State of Massachusetts, and for building a beacon or pier at Bridgeport, in the State of Connecticut, was read the third time.

Resolved, That the said bill do pass, and that the title be "An act for erecting certain lighthouses in the State of Massachusetts; for building a beacon or pier at Bridgeport, in the State of Connecticut; and for fixing buoys in Pamlico sound, in the State of North Carolina."

Mr. J. RANDOLPH said, he rose merely to notify the House that he should, to-morrow, make a motion in relation to the Journal of the secret proceedings of the House. On Saturday, he believed, the House had directed the injunction of secrecy to be taken off, and the Journal of their proceedings to be printed. In a few days after, they saw something like it in a newspaper. To-day, for the first time, they found the official Journal laid on their tables. Last session, they had heard a flourish about economy in the printing of the House; and this session, several days had elapsed before a small pamphlet was printed; and, he would observe that, notwithstanding the printing had been let out to the lowest bidder, he found the same sum appropriated this year. He said he should, to-morrow, make a motion relative to the secret Journal. When the injunction of secrecy was taken off, it was, he understood, to enable the good people of the United States to become acquainted with the proceedings of this House. He was, however, convinced, that very few people would, from its perusal, know anything about them.

REVOLUTIONARY PENSIONERS.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act in addition to 'An act to make provision for persons that have been disabled by known wounds received in the actual service of the United States, during the Revolutionary war." And the said amendment being again twice read at the Clerk's table, in the words following, to wit:

"After the word 'that,' in the second line of the first section, strike out the residue of the bill, and insert in lieu thereof, the following:

"Any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service af the United States, while in the line of his duty, by known wounds received during the Revolutionary war, and who did not desert the service; or who, in consequence of disability as aforesaid, resigned his commission or took a discharge; or who, after incurring disability as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said Revolutionary war; or who, in consequence of known wounds, received as aforesaid, has at any period since become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine, or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular State; he shall, upon substantiating his claim in the manner hereinafter described, be placed on the pension list of the United States, during life, or the continuance of such disability, and be entitled, under the regulations hereinafter mentioned, to receive such sum as shall be found just and proper, by the testimony adduced.

"SEC. 2. *And be it further enacted*, That, in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the Judge of the District, or one of the Judges of the Territory, in which such claimant resides, or before some person specially authorized by commission from said Judge.

"Decisive disability, the effect of a known wound or wounds received while in the actual service, and line of duty against the common enemy, during the Revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which said claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received, and particularly describing the same.

"The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion, either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant on oath or affirmation; which, when necessary for that purpose, shall be administered to said claimant by said Judge or Commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

"Every claimant must prove, by at least one credible witness, that he continued in service during the whole time for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence af some derangement of the army, or in consequence of his disability resigned his commission, or was, after his disability, in captivity or on parole, until the close of the Revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence at the time of taking such testimony.

"Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the pension list of any State; and the Judge or Commissioner shall certify, in writing, his opinion of the credibility of the witnesses, whose affidavits he shall take, in all those cases where by this act it is said the proof shall be made by

a credible witness or witnesses; and also that the examining physician or surgeon is reputable in his profession.

"SEC. 3. *And be it further enacted*, That the said Judge of the District, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings had thereon in pursuance of this act, noting particularly the day on which the testimony was closed before him, to the Secretary for the Department of War, that the same may be compared with muster-rolls, or other documents in his office: and the said Secretary shall make a statement of all such cases, which, together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the Judge or Commissioner, aforesaid, to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

"SEC. 4. *And be it further enacted*, That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony before the authority proper to take the same.

"SEC. 5. *And be it further enacted*, That an increase of pension may be allowed to persons, already placed upon the pension list of the United States for disabilities caused by known wounds received during the Revolutionary war, in all cases where justice shall require the same: *Provided*, That the increase, when added to the pension formerly received, shall in no case exceed a full pension.

"Every invalid making application for this purpose, shall be examined by two reputable physicians or surgeons, to be authorized by commission from the Judge of the District where such invalid resides; who shall report, in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor; which report shall be transmitted, by said physicians or surgeons, to the Secretary for the Department of War, who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

"SEC. 6. *And be it further enacted*, That a full pension given by this act to a commissioned officer, shall be one-half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States; and the proportions less than a full pension, shall be the correspondent proportions of said half-pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension, shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half-pay of a lieutenant colonel.

"SEC. 7. *And be it further enacted*, That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids, who have been heretofore placed on the pension list, are now paid, and under such restrictions and regulations, in all respects, as are prescribed by law.

"SEC. 8. *And be it further enacted*, That, from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension, payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And every person claiming such pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension, that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

"SEC. 9. *And be it further enacted*, That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States, for, and in consideration of, disabilities derived from known wounds received in the Revolutionary war, shall be, and they are hereby, repealed: *Provided*, That nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the Secretary for the Department of War shall proceed upon the testimony which has been transmitted to him by any claimant before the passage of this act, in the same manner as though this act had never passed.

"SEC. 10. *And be it further enacted*, That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided*, That this limitation shall not affect or impair the right of any invalid, who may have completed his testimony, in the manner prescribed by this act, before this limitation commences its operation; but which has not been transmitted to the Secretary for the Department of War."

Mr. ALSTON moved to recommit this bill to the Committee of the whole House.

This motion was supported by Messrs. ALSTON, T. MOORE, D. R. WILLIAMS, and BLACKLEDGE, and opposed by Messrs. J. C. SMITH, J. CLAY, R. NELSON, and VAN CORTLANDT; and was disagreed to—yeas 26.

Mr. BLACKLEDGE moved to amend the amendments of the Senate, so as to provide for the placing on the pension list of the United States all such wounded or disabled persons as have been placed on the pension lists of the States for wounds or disabilities received during the Revolutionary war, on adducing a prescribed proof.

Messrs. BLACKLEDGE, BLOUNT, CLARK, and GREGG, supported, and Messrs. J. C. SMITH, BEDINGER, R. NELSON, VARNUM, SOUTHARD, BIDWELL, and SLOAN, opposed this amendment; which was disagreed to—yeas 34, nays 69.

The friends of the amendment contended that it was just, that a full and liberal provision should be made for all the militia disabled, as well those already provided for by some States, as those not provided for by other States.

The opponents of the amendment did not deny the justice of such a provision, but contended that it would not probably receive the approbation of the Senate, and that it was impracticable to make it without going into minute details, forbidden by

the advanced stage of the session, and recommended that it should be made the subject of a distinct bill at a future session.

The question was then taken on agreeing to the amendments of the Senate, and passed in the affirmative—yeas 98, nays 15, as follows:

YEAS—Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, junior, Robert Brown, William Butler, George W. Campbell, John Chandler, Martin Chittenden, John Claiborne, Joseph Clay, Matthew Clay, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, William Dickson, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, William Findley, James Fisk, James M. Garnett, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, David Hough, James Kelly, John Lambert, Michael Leib, Joseph Lewis, jun., Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John C. Smith, John Smith, Henry Southard, Thomas Spalding, Richard Stanford, Joseph Stanton, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Willis Alston, jun., Thomas Blount, Levi Casey, Christopher Clark, Elias Earle, Peterson Goodwyn, Walter Jones, Thomas Kenan, Duncan MacFarland, Robert Marion, Thomas Moore, John Randolph, Abram Trigg, and David R. Williams.

SATURDAY, April 5.

Mr. GREGG, from the Committee on the Public Lands, who were instructed, by a resolution of the House, of the twenty-sixth ultimo, "to inquire into the expediency of repealing all such parts of the several acts providing for the sale of the lands of the United States, as authorize a credit on any part of the purchase money of said lands," made a report thereon; which was read, and referred to a Committee of the whole House on Thursday next.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes:" Whereupon the said amendments, together with the bill, were referred to the Committee on the Public Lands.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to repeal so much of any act, or acts, as authorize the receipt of evidences of the public debt, in payment for lands of the United States, and for other purposes relative to the public debt," with several amendments; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes," with several amendments; to which they desire the concurrence of this House.

Mr. GREGG, from the Committee on the Public Lands, presented a bill respecting the claims to land in the Indiana Territory and State of Ohio; which was read twice and committed to a Committee of the whole House on Thursday next.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to repeal so much of any act, or acts as authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt:" Whereupon, the said amendments, together with the bill, were referred to the Committee of Ways and Means.

PAY OF WITNESSESS.

The House resolved itself into a Committee of the Whole, on the bill from the Senate, making provision for the compensation of witnesses who attended on the trial of Samuel Chase.

The Chairman stated that the amendment, under consideration at the time this bill was before the committee, was to insert in the first section "on the part of the United States"—limiting the provision to the payment of witnesses on the part of the United States.

On this amendment, the Committee divided—yeas 59 nays 35.

On motion of Mr. J. C. SMITH, a new section was introduced providing for the payment of any expences incurred by order of the managers.

The Committee rose, and reported the bill with these amendments. The House immediately took up the report.

On concurring with the Committee in their agreement to the amendment restricting the provision to the payment of the witnesses summoned "on the part of the United States," the yeas and nays were taken, after a few remarks made by Mr. M. WILLIAMS against the amendment, and were—yeas 51, nays 54, as follows:

YEAS—Isaac Anderson, Joseph Barker, Burwell Bassett, George M. Bedinger, William Blackledge, John Blake, junior, Robert Brown, William Butler, Levi Casey, John Chandler, Matthew Clay, Leonard Covington, Elias Earle, Ebenezer Elmer, John W. Eppes, William Findley, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, Thomas Kenan, John Lambert, Michael Leib, Patrick Magruder, Josiah Masters, Thomas Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea, of Tennessee, Jacob Richards, Thomas Sammons, Thomas Sandford, James Sloan, John Smilie, Samuel Smith, Thomas Spalding, Richard Stanford, Philip R. Thompson, Abram Trigg, Joseph B. Varnum, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Willis Alston, junior, David Bard, Silas Betton, Thomas Blount, Martin Chittenden, John Claiborne, Christopher Clark, John Clopton, Orchard Cook, Jacob Crowninshield, Richard Cutts, John Davenport, jr. William Dickson, Peter Early James Elliot, Caleb Ellis, William Ely, James Fisk, Peterson Goodwyn, Seth Hastings, David Hough, John G. Jackson, Walter Jones, James Kelly, Joseph Lewis, junior, Duncan McFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jonathan O. Mosely, Timothy Pitkin, junior, Josiah Quincy, Thomas M. Randolph, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, John Cotton Smith, John Smith, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, John Whitehill, Eliphalet Wickes, Marmaduke Williams, and Nathan Williams.

The House then concurred in the second amendment, when the bill was ordered to a third reading on Monday—yeas 62.

IMPORTS AND TONNAGE.

The House resolved itself into a Committee of the Whole on the bill to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage."

This bill establishes the town or landing place of Darien into a port of delivery; and contains the following provision in the third section, viz: "That so much of the 18th section of the "act to regulate the collection of duties on imports and tonnage," as relates to the entry of ships or vessels arriving from the Cape of Good Hope, or from any place beyond the same; and so much of the 77th section of said act as restricts the allowance of drawback to goods, wares, and merchandise, exported from the districts of original importation, or from those ports at which vessels from the Cape of Good Hope or any place beyond the same, are permitted to make entry, shall be, and hereby are repealed."

The effect of the first part of this provision would be to admit to entry vessels from or beyond the Cape of Good Hope at any port of entry in the United States.

Mr. CLARK moved to strike out the section.

On this motion a debate ensued, in which Messrs. CLARK, ELY, D. R. WILLIAMS, J. C. SMITH, QUINCY, and DANA, supported, and Mr. CROWNINSHIELD opposed the motion.

The question was first taken on striking out the residue of the section, which prevailed without a division.

Mr. QUINCY moved a new section, for making Plymouth, in Massachusetts, a port of entry for vessels from or beyond the Cape of Good Hope, which was disagreed to—yeas 7.

Mr. BLOUNT offered a new section for erecting a district to be called the district of Ocracoke, in North Carolina, into a port of entry, which was agreed to; when the Committee rose and reported the bill.

Ordered, That the said bill, with the amendments, do lie on the table.

SPANISH AFFAIRS.

Mr. J. RANDOLPH.—I rise to execute the purpose which I intimated yesterday. On the first page of this Journal (holding in his hand the Journal of the secret proceedings of the House) I find it stated that the SPEAKER laid before the House a letter and communication from the President of the United States, which were read; that they were referred to a select committee, and I find that then follows the report of that committee, without any notice of the Message of the President on which it was grounded. This I take to be a departure from the regular system of keeping the Journal, because I perceive in other parts of it messages, though of a private nature, accompanying other communications, inserted. I deem it not less important to the character of those who compose the select committee, of which I had the honor to be one, than to the character of the Government of the United States, that a full and fair view should be given to the public of the conduct of the Government on the one hand, and of the Legislature on the other. I beg pardon for using the term "government;" by government I meant the Executive department. I shall feel it incumbent on me, in order to impress on the House the sense I entertain of the importance of this motion, to enter into some little history of the transactions which have taken place with closed doors, in which, though I may not undertake to say what the Message of the President contains, I shall feel myself at liberty, according to the course pursued here, to say what it does not contain.

It is true that, on the 6th of December, that Message was referred to a select committee. That committee met, and one of the members, a gentleman from Massachusetts, whom I do not now see in his place, as soon as the committee met, proposed that they should recommend to the House the making an appropriation of money to enable the Executive to negotiate abroad. I understood, though it may not have been so expressed, that the object was the purchase of the Floridas. There was a great variety of sentiment in the committee, and other gentlemen of the committee, of whom I was one, objected, that in the confidential Message of the President, there was not a syllable about the purchase of the Floridas, or an appropriation of money for foreign negotiation, that there was not a word in it to induce us to believe that Spain was willing to make the sale or to come to an amicable adjustment of difference with us; but that, on the contrary, a direct and opposite inference could only be drawn from its contents.

On coming to town, and conversing with gentlemen of this House, I was apprized of the existence of a project for the purchase of the Floridas from Spain; and I was prepared to have considered any expressions in the Executive Message as having this meaning, which could at all warrant it. There was such a difference of opinion in the committee that they came to no direct conclusion. Circumstances of an imperious nature called me to Baltimore, where I staid, I think, six days. On my return on Saturday, I found, from the infor-

mation of a gentleman from Maryland, (Mr. NICHOLSON,) that there had been considerable excitement in consequence of the committee not reporting. Without even changing my clothes, or going to my lodgings, I immediately met the committee, and it was agreed to write to the Secretary of War, and learn from him the number of troops necessary to protect the Southern frontier from Spanish inroad and insults. But, although in the public Message of the President, at the opening of the session, we heard much of Spanish outrages and insults, and though the private Message of the President held a language in consonance with the public, I found a backwardness in the head of the War Department, and of the Executive government, generally, on taking a decided attitude as to Spain; and I found what was worse—before I left town to go to Baltimore—from a conversation with what has been considered the head of the first Executive department under the Government, that France was the great obstacle to the compromise of Spanish differences; that France would not permit Spain to come to any accommodation with us, because France wanted money, and that we must give her money. From the moment I heard that declaration, all the objections I originally had to the procedure, were aggravated to the highest possible degree. I considered it a base prostration of the national character, to excite one nation by money to bully another nation out of its property, and from that moment, and to the last moment of my life, my confidence in the principles of the man entertaining those sentiments, died, never to live again. Well, sir, during my absence in Baltimore, the despatches contained in the Message of the 17th of January arrived. This I shall have occasion to mention again. The House began to act on the subject of our foreign relations. Gentlemen who, in select committee, had declared that they considered the Executive Message as a requisition to buy the Floridas, though there was not a word in it about the Floridas, or about money, took a different ground in the House. They said, that though the Executive did not recommend to Congress to purchase the country, yet that they were adequate to give the business this direction; that if they chose, they were at liberty to do it. But unfortunately for this new doctrine, and the previous one broached, and unfortunately for the whole system that gentlemen stepped forward to enforce, one gentlemen asserted that he was ready, in his own person, to vouch that the course in question was in consonance with the secret wishes of the Executive; and this is one of those reasons which calls most imperiously for the motion which I am about to make. What was afterwards done the House will perceive. I pass over the motion made to restrict the purchase to the country not in dispute with Spain, and to exclude from that purchase the country in dispute, thereby testing the principle, whether we were actually buying land or peace. In spite of every obstacle, of all opposition, and the contradictory votes given, the bill was sent to the Senate, and on the next day, the 17th of January, after the business was out of our possession, we received despatches from our Minister at London, which had arrived before Christmas. It will be recollected that it was attempted to be insinuated by individual members, that inasmuch as we received the original paper, and not a copy, the despatches had just arrived, and there had not been time for transcribing them. But in returning from the House, I was so well convinced to the contrary, for I had myself received letters from London of a contemporaneous date, that I made inquiry of the Secretary of State, and was told that they had been received the week before Christmas, at the same time with my letters.

While I am up, I will undertake to rectify a trivial inaccuracy, (for I wish everything which I state on this floor to be literally exact,) which, on some former occasion, escaped me. I said that the existence of these despatches was unknown to a high Cabinet Minister; although it is certain that I so understood, it is no less so that I was mistaken. But though their existence was not unknown, yet their contents were. That Minister had no reason to believe that they contained—on the contrary, he had every reason to believe that they did not contain—anything relative to our differences with Spain; and as to their being sent to the House, he knew nothing of it until after they had been received. They were no sooner opened here than they excited an instantaneous sensation, and produced a declaration that the course we had taken was wrong; they produced also an impression that it would be in vain, on the subject of our differences with England, to assume a manly attitude towards her, if we became the panders and caterers of the lustful appetite of France.

The question is now reduced to this point, whether the public shall read the secret journal without understanding one word about it, or shall read it intelligibly. For it is impossible to decide how far the report of the select committee is consistent with the Message of the President, unless that Message is also published. A difficulty may be raised by saying this is a confidential Message. But this is got over by the publicity given to the proceedings on it. It was confidential, because the proceedings on it were so. For instance: Let us suppose the United States were preparing for some strong and decisive measure against Spain, which it was politic to conceal from her till taken; but as to anything decisive in the Message, no man can contend that it contains anything of this nature. When I speak of the Message, I do not allude to the communications of the Minister of the United States with the authorized agents of Spain. Though I see no reason why even those should not be published, as the negotiation has been entirely closed by the abortion in which it has terminated. I however restrict my present motion to the Message.

The public, from this vague and desultory sketch, may acquire some principles by which to appreciate the conduct of members in this House. They will see what members were disposed to have adopted that course which the most authen-

tic information from Europe recommended. They will see who were indisposed to acting through the intervention of any foreign Power, and more especially in the shape of a bribe, and when such a course was not asked for by the Executive. They will see who were these members, and I believe there are now but few who would be willing to take the responsibility on themselves which properly belonged to another department of the Government; and to do all the dirty work, which would otherwise have soiled their fingers. They will see and beware.

Mr. J. RANDOLPH concluded by moving that the Message of the President of the 6th of December last be printed; that it be inserted in the Journal of the secret proceedings; and that a new edition of that Journal should be printed for the use of the members.

Mr. JACKSON.—I think it highly probable that a majority of this House will be disposed to take off the injunction of secrecy, not only on this document, but on all their proceedings, that the people may be enabled to judge for themselves whether the representations made from time to time are correct; but I submit whether it is correct in point of order to act in this way. What is the resolution adopted by this House? That the injunction of secrecy relative to their proceedings, not the messages or other communications shall be taken off. This is not the proper course to effect the object in view. I, for one, am willing to go into conclave, and have the injunction on the whole taken off. It is not my wish to see the eyes of the people hoodwinked any longer. It has been declared by the gentleman who has offered this resolution that we have not an inch of territory beyond the Iberville. It was therefore that I considered it all-important to have the Floridas, and it was therefore I voted as Congress did in the memorable instance of the purchase of Louisiana. And it was the fear that taking off the injunction of secrecy might affect the issue of this all-important negotiation that induced me some time since to vote against it. But during the whole of the discussion we have had on this subject, no proof has been adduced that the money we have appropriated is to be given to France, although the gentleman from Virginia has declared there is no Spain, no Pyrenees; although he has declared that Spain is confessedly merged in France; although he has declared France would not permit Spain to settle her differences with us, and although this has been adduced as an argument to show that we can do nothing with Spain; and although the gentleman has further said that if we could see the despatches of the Spanish Minister, we should see them signed "Charles Maurice Talleyrand;" and although he has alleged that a negotiation could not be opened with a Government reduced to a mere nonentity; as I did not anticipate the motion of my colleague, I cannot be expected to be prepared to go into an examination of the motives, as has been done by my colleague, which influenced the decision of the House. This could not be done unless all the documents on this subject were printed. Some gentlemen appear to me to have given an importance to a certain document which it does not merit; and it has been said it was withheld until our vote was taken for the purpose of trepanning us. I have heard of but two gentlemen who have declared it would have affected their votes. On me it would have had a different tendency. I wish it published. I will say for one, that I think had it been received before the passage of the bill, it would have had a tendency to increase the majority, stupendous as it was, because—but I am not at liberty to say why. I hope the Speaker will decide this question not proper to be discussed with open doors.

Mr. J. RANDOLPH said that he had to his astonishment found a detailed report on the Journal, which it was not usual to enter upon it. He found also three Messages, and this was the only instance in which a Message was not entered upon it.

Mr. LEIB asked whether it was consistent with the rules of the House to have the Message now read? If it were not, he could not concur with the gentleman from Virginia in voting for the motion under consideration, though he agreed with him in the propriety of taking off the injunction of secrecy from all the papers.

Mr. J. RANDOLPH asked whether, when the Journal was read, the Clerk had not began to read the Message, when the reading was dispensed with? This was his recollection, and if so, it must be considered as a part of the Journal, respecting which the injunction of secrecy had been taken off.

The Clerk said this was the fact.

Mr. LEIB then said, before he decided on the resolution, he wished to hear the Message read.

The SPEAKER said it would be most acceptable that the House should decide whether the reading were proper.

Mr. ALSTON.—I merely rise to remind the Speaker of the decision he gave, and of the question I put to him when the injunction of secrecy was removed. I well recollect the decision of the Chair that the Message of the President and the letters of our Minister were not embraced in the motion for taking off that injunction. And I have not a doubt on my mind that it was in consequence of that decision that the vote of the House was such as it was. As to the publication of the Message, it is immaterial to me. I voted against giving publicity to the secret Journal until we had heard the result of the negotiation. To act consistently on this subject with that vote, I am for going no further. I believe, however, for the justification of those who voted as I did, the publication of all the documents will be advantageous. In voting, therefore, against publishing this Message, I shall make a sacrifice of my feelings to the public interest. For this vote the good of the nation will be my only motive. But when a negotiation is about to be opened for an object so important as the Floridas, I ask whether it is not right; I appeal to the American people whether they do not think it right to use every necessary means for insuring it success?

With regard to the appropriation of two millions with a view to this purchase, I voted for it is as a set-off to the resolution reported by the select committee. I voted for it in preference to a standing army. I would rather strengthen the arm of the Executive with money, than with a standing army so fatal to liberty. And I believe a majority of the Republicans in this nation will uphold me in this opinion. Everybody knows the importance of this country. Has it not been said on this floor that there does not belong to you a foot of ground between the Mississippi and the Perdido? I recollect when this country was ceded to the United States to have had a conversation on the subject with a gentleman from Virginia, for whose opinion I have a high respect, and he was of opinion with me that it was very doubtful whether this country was included, indeed we rather thought it was not in the treaty. Will any man say that it is not of vast importance to us to have the small territory that divides our people, and by a fair purchase remove all grounds of future quarrels? If it has entered into the minds of gentlemen to make other than a fair purchase of this country from its rightful owner, this is not my opinion, nor have I any recollection that any such motive has been avowed. A particular document has been referred to, the receipt of which I have heard one or two gentlemen say might have altered their votes on the bill passed by the House. But I was astonished to hear such a declaration. It could not have altered my opinion; it had in my mind no bearing on the measure. I have one further observation to make. If it was doubtful whether this country belonged to us, what would have been the effect of adding one or two additional regiments to your standing army, and placing them on a territory you acknowledge you do not believe to be rightfully yours? I would rather put down a regiment of the present standing army than add one man to it. When our rights are invaded we shall not require a standing army to defend them—it will be the militia that will defend them. I am opposed to a standing army, and ever will be opposed to it. For these reasons I was in favor of strengthening the arm of the Executive by an appropriation, instead of strengthening it by a standing army.

Mr. CLARK requested the Speaker to examine the secret Journal, and see whether this Message were in it.

The SPEAKER said it was, and might therefore be discussed with open doors.

Mr. J. CLAY.—I was astonished when I found this Journal without the Message. Five Messages appear to have been received, all of which appear on the Journal, excepting this, which is the only Message of any consequence. I did believe, when the injunction of secrecy was removed, it applied to all the papers received by the House, and I did not conceive myself bound to conceal one tittle of what occurred while we had locked doors. I should, therefore, wish my friend from Virginia so to amend his motion, as to include all the documents. I consider this essentially necessary to elucidate the transactions of this House. It seems to have been fashionable for gentlemen to declare what were their motives for the several votes they have given during the time our doors were shut. I had but one motive, which, I hope, will continue to govern me so long as I have a seat in this House. My object was, to be prepared for war, while I endeavored to maintain peace. I voted for the resolution for the increase of the Army, because everybody knows, who is acquainted with the state of the south and south-western frontiers, that the militia in that quarter are not able to defend it. They are, indeed, but a people of yesterday—aliens to your habits and language—and, indeed, aliens in every sense of the word. We had seen that frontier invaded by Spain. I was not willing, therefore, to withhold from the Executive the means of chastising this aggression—I therefore voted for the resolution. I also voted for the appropriation of money, because I was willing to show Spain, that while we were prepared to chastise her aggressions, we were also willing, by amicable negotiation, to adjust our differences. I therefore voted for an appropriation to purchase a country which I deemed highly valuable to us. Whether the money appropriated was to go to France, or Spain, did not influence the vote I gave. I did not know then, that any circumstances were concealed from the House calculated to throw light upon the subject, and of the contents of the Message of the 17th of January, I was totally ignorant—as it was handed in the day I went to Philadelphia, and was immediately afterwards returned to the President. I could have wished, that between the 24th of December and the 17th of January, there had been found time to make an official copy of it, since we have heard that it would have a considerable bearing on the votes of the members of this House; and I should conceive that it would be very important as forming an item in the transactions of the session. When we came here, the public expectation was highly excited. We had been injured and insulted by Spain on land, and by England at sea. The nation required the adoption of measures to procure redress, and to prevent similar aggressions in future. What have been the consequences? We have passed an act appropriating two millions to purchase the Floridas and to chastise Spain, and we have passed an act prohibiting the importation of certain goods from Great Britain, as a peace-offering to her. It is not, in my opinion, necessary that all the documents should be published, to give the people an opportunity of judging whether their Representatives have been faithful to their trust. There are parts of those documents, which I suppose, will never be published, which had a considerable influence on my mind on the votes which I gave. I allude to the threat of hostility by France.

Mr. SPEAKER here called to order.

Mr. CLAY concluded by observing that, as they had published five Messages which had contained nothing, he hoped they would publish the one that contained something.

Mr. DAWSON expressed himself in favor of giv-

ing publicity to the Message, which, he believed, could do no possible injury. So far as it went, he thought it favored both the resolutions—as well that for raising an army, as that for conducting a negotiation by the appropriation of money.

The reading of the Message being called for, Mr. SPEAKER said he thought it was in order to read it, as it was inserted on the private journal.

Mr. BLACKLEDGE appealed from the decision of the Chair.

Mr ALSTON observed that his colleague would better get at his object by taking a question on the reading of the Message; and Mr. BLACKLEDGE so modified his motion.

Mr. SMILIE said a regard to consistency would prevent him from voting to give publicity to the Message. He could not vote for it, because he did not wish to take on himself that responsibility which might flow from the publicity, defeating the negotiation. It rested with those who voted for taking off the injunction of secrecy, to take that responsibility on themselves. At the same time, however, that he must vote against it, he hoped a majority would be found in its favor, because he saw it would be necessary to publish this document in order to place their conduct in a proper point of light. So far was the Message of the 17th of January, which had been alluded to, from having any influence in changing his vote, that it tended strongly to confirm him in the propriety of it.

On the SPEAKER reminding Mr. SMILIE of the question before the House, he declined saying anything further than requesting the yeas and nays to be taken.

Mr. ELMER said if he understood the decision of the Speaker, the motion of the gentleman from Virginia was altogether useless. He had understood, from a former decision, that the Journal did not include the Message; but other gentlemen appeared to have considered it in another way. He was perfectly willing that it should be published, and he did not think any ill could arise from it. For reasons already assigned by other gentlemen he had been against taking off the injunction of secrecy at this time. He should, therefore, vote against every question of this kind.

Mr. JACKSON.—Is it not the right, Mr. Speaker, of any member to demand an official copy of the Message? You have decided it to be a part of the public journal, ordered to be printed, and an appeal has been made from that decision; how can it then with propriety be said, it shall not be read, because the reading of it will give it publicity? As so much has been said of the important bearing of documents sent to us, and we have published our proceedings, it is my wish to see them all exposed to public scrutiny. I am not now prepared to make a motion which I shall offer at a proper time, unless anticipated by some other gentleman, that the President be requested to lay before the House all the papers heretofore communicated by him, with a view of giving them publicity. I wish on all occasions to give publicity to my conduct as well in conclave as when these doors are open, and I will take this occasion to repel an insinuation made the other day in the debate on the Yazoo question, by a gentleman from Virginia, (Mr. J. RANDOLPH,) which I have heard was applied to me: That I left my seat for fear of voting on it, and removed to a different part of the House. Sir, I will candidly confess, that although the year before the last, I had declared I considered it for the interest of this country, that those claims should be compromised, and voted for the compromise of them; yet last year, when I found gentlemen in whom I had great confidence of opinion that such a measure would tend to sanction a scene of nefarious swindling, I was induced to determine then, and so expressed myself, that I would not vote again upon the question, and I was more inclined to pursue this course from a supposition that my knowledge of the vital injury which my district had sustained by the existence of a claim, called the Indiana purchase, which hovers over their heads, and in consequence of its recent resuscitation, lands had been sold at one-fourth of their value, and which claim is certainly more exceptionable than that of the persons who purchased from the Yazoo men, might produce a bias in favor of compromise which was improper, and I was willing to think that my opinion was incorrect. But at the same session when the gentleman from Virginia charged all who had voted for the compromise with corruption, and threatened them with the vengeance of the people, and when it was declared that no member from Virginia, who had the temerity to vote for it, should be re-elected, I was driven from the neutral ground I had taken, and thus borne down by the impetuous intemperance of the gentleman, I thought it became me not to shrink from the vote I had given. The reasons on which I acted were made public. I brought the question fairly before my constituents, and they re-elected me by a greater majority than formerly. I could not, therefore, decline to vote for a measure which they and my judgment approved, and which I believe the faith of Congress had been pledged to sanction. As an individual I cared not what was the fate of the bill from the Senate. As a judge to whom the claims of our citizens was presented, I wished that it should be *ex equo et bono.*

The gentleman from Virginia knows I refused by my vote to give leave to the gentleman from Maryland to be excused from voting, as I not only stood up when a division was called for, but made the remark which he repeated, that he was not compelled to vote, but might retire. After giving this vote I went across the House to ask a friend from North Carolina to spend a social evening with me. He is now in his seat, and I appeal to him that I did not even mention the subject before the House. When the same question occurred I voted by him, as I had before voted; I knew of nothing that could drive me from my purpose, or from my seat. I will not attempt to scan the feelings which predominate in the mind so illiberal as to attribute unworthy motives to, and manifest a jealousy of every man that differs from it; it is a topic fruitful of com-

mentary, it involves considerations which I will not delineate; for my part I cannot envy those feelings, I thank God such is not my nature. It is always unpleasant to me to engage in controversies which have a tendency to excite the malignant passions. I wish to avoid them as much as any man living, as far as is consistent with my honor and reputation, but I never will shrink from a contest, political or personal, in this House or out of it, at the sacrifice of either.

Mr. BLACKLEDGE said he was astonished at the course which this debate had taken. The question is this, shall a paper, heretofore secret, be made public? And the Chair has decided that this very paper is already public. Let the question then be decided which way it may, the paper goes to the public. My object is to get a vote which shall decide whether this question shall be debated with closed doors or in public.

Mr. SPEAKER said it was in order to appeal from his decision.

Mr. BLACKLEDGE then said he would appeal from that decision.

After some further conversation, Mr. BLACKLEDGE withdrew his motion, which was renewed by Mr. J. CLAY.

The SPEAKER then said, the reading of the Message of the President of the 6th of December is called for; the Speaker has decided that that document is a part of the Journal ordered to be published, and may be read. From this decision an appeal is made to the House, on which appeal there can be no debate.

When, without taking a question, two successive motions were made to adjourn, the last of which prevailed.

MONDAY, April 7.

Mr. GREGG, from the Committee on the Public Lands, to whom were referred, on the fifth instant, the amendments proposed by the Senate to the bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes," reported to the House their agreement to the same without amendment.

The House proceeded to consider the amendments proposed by the Senate to the said bill: Whereupon,

Ordered, That the said amendments, together with the bill, be committed to a Committee of the whole House to-morrow.

The SPEAKER informed the House that the bill to compensate the witnesses who attended the trial of Samuel Chase was for a third reading, on which,

Mr. LEIB rose, and said that he had a motion to make on the subject. It was that the bill should be re-committed to a Committee of the whole House. By the provisions of the bill compensation was to be made to the whole of the witnesses who attended the trial, on behalf of the accused as well as of the prosecution, and to this he never could or would consent. It was the establishment of a principle, which did not obtain in the courts of the United States, nor he believed in the courts of the respective States, and in the case of a great culprit. He had been pronounced guilty by a great majority of the House, and a majority of the Senate had concurred in the decision, and to make this provision for the payment of his witnesses, indicated a consciousness that the decision had been unjust. To this he was not willing to subscribe. He was not disposed to libel the House by any act of this sort; for it was a libel on themselves for the members who accused, to manifest their consciousness of having acted unjustly by a provision to reward the culprit by the payment of his witnesses. If it is just thus to provide in the case of Chase, we ought to travel back, and commence the business of justice in cases of innocence. It cannot be forgotten, that an insurrection was said to have existed in the year 1794, in the western counties of Pennsylvania, and that for certain purposes this insurrection was produced. Victims were then required by certain members of the Government, and among them was a member of this House (General Hamilton.) He was dragged from his home to the city of Philadelphia, incarcerated, and a bill against him sent to the grand jury. It was returned ignoramus, and notwithstanding the innocence of this gentleman was thus established, he was put to an expense of between five and six hundred dollars, not a cent of which was ever refunded to him! Are we then disposed to provide for an acquitted felon, to remunerate him, to give him a premium for his iniquities, and to leave innocence unnoticed? He trusted not. He hoped the House would not dishonor itself by such an act, and he, therefore, hoped a recommitment of the bill would take place.

The motion was agreed to, and the bill recommitted.

SPANISH AFFAIRS.

The House resumed the consideration of the question depending at the time of their adjournment, on Saturday last, on an appeal from the decision of the Chair respecting a point of order as therein stated.

Mr. BLACKLEDGE moved that the galleries should be cleared. The House continued in secret sitting for a short time, when the doors were opened and the question taken by yeas and nays on the point of order, whether the decision of the Speaker was correct, viz:

"That the said Message being contained in the journal of the secret proceedings of the House, and the same had been read in the House, it was now in order to call for the reading of the said Message."

It was decided in the negative—yeas 43, nays 59, as follows:

YEAS—George M. Bedinger, Silas Betton, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Leonard Covington, John Dawson, James Elliot, William Ely, John W. Eppes, John Fowler, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, James Kelly, Thomas Kenan, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph,

Thomas M. Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, and Alexander Wilson.

NAYS—Willis Alston, jun., Isaac Anderson, David Bard, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, William Butler, John Chandler, Matthew Clay, John Clopton, Frederick Conrad, Jacob Crowninshield. Richard Cutts, Ezra Darby, Elias Earle, Caleb Ellis, Ebenezer Elmer, William Findley, James Fisk, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Walter Jones, John Lambert, Michael Leib, Duncan McFarland, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, John Pugh, John Rhea of Tennessee, Jacob Richards, John Russel, Peter Sailly, Thomas Sandford, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Richard Winn, and Joseph Winston.

The question then recurred on the motion made by Mr. J. RANDOLPH on Saturday, as follows:

"That the printed supplemental journal of secret proceedings be amended, by inserting after the word "read" in the third line of the first page, the Message of the President of the United States of the 6th of December last, and that a new edition of the said journal, thus amended, be printed for the use of the members."

Mr. DANA said he was happy they were enabled to take a direct vote on the publication of the Message. On the vote just taken he had felt himself bound to consult the opinions of gentlemen who thought when the injunction of secrecy was taken off, it did not apply to the publication of the Message. The question now presents itself directly for consideration, whether it would be most expedient to publish it. It appears to me, said Mr. DANA, that there will be no breach of confidence in publishing it. If in private life one man makes a communication to another, and the person who receives it says he will not pledge himself to keep it secret, there is no obligation on him not to divulge it, and should he divulge it there will be no question about the violation of confidence. Under what form then, was the communication of the President made to this House? Is there anything in the Constitution relative to the President's communicating anything to either House in confidence, and absolutely prohibiting either House from disclosing it? If there is no such thing in the Constitution the disclosure must be left to our discretion, of the propriety of which we must be the judges. In the first place, the Constitution of the United States provides for such communications to Congress as the President may see fit to make, it also declares that each House shall be governed by such rules as they shall make. Now when this Message was received, the rules of the last House were adopted, and are such as are now in force. What is the rule applicable to the present point?

"Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of the communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House, that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communications be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly."

The President can make no communications to us except under this rule. It was under this rule that this Message was communicated. What is the inference? The rule was peremptory, so far as it required the communication of the President to be read with closed doors; but after having been so received, it is strictly within the power of the House to decide whether it shall continue private, or be published. The President must have communicated the Message under this impression. No obligation of confidence can be infringed by publishing it. Believing, therefore, that the publication will be no violation of confidence, and believing that it will be for the public good, I shall vote for it.

Mr. SLOAN.—I shall as decidedly as the gentleman from Connecticut vote against the publication of the Message; and on a principle which it behooves me never to abandon so long as I hold a seat on this floor. If I understood anything of the matter, it was communicated to the House by the President in confidence that it would not be published; and if I have any idea of propriety, it ought to be still kept secret, and the reasons which first made it so still continue. If we are not Constitutionally bound to keep the communications made by the President secret, I do conceive we are under an obligation of respect to the other branches of the Government, not to betray the confidence reposed in us; and should this communication be published the other branches of the Government ought first to sanction it. Such a course would, in my opinion, have a direct tendency to destroy our confidence in the President, and our diplomatic character abroad.

Mr. J. RANDOLPH.—Before the question is taken I have a few observations to offer in addition to those which I submitted the other day on the subject of the secret proceedings, to show that the Message of the President ought to be published, not only in justification of the report of the select committee which has been published, but in justice to the Government itself. An attempt has been made in the public prints, and on this floor, to give a color to the proceedings of the House, when in conclave, totally inconsistent with, and in opposition to truth. It has been intimated that the minority were in favor of war; or by intimating that the majority were in favor of specific measures, the inference has been drawn that the minority were in favor of war. The fact is this—and as the Message of the President has been read as a part of the journal ordered to be published, as

the Speaker and Clerk have attested, I will undertake to state what it contains, unless prevented by the Chair.

The SPEAKER interrupted Mr. R. by observing that such a statement would not be in order.

Mr. RANDOLPH.—I will confine myself to stating that the division of sentiment in the House, was whether we should have a territorial accommodation of our differences with Spain, whether we should have an accommodation which did not merely suit Spain and us, or a moneyed accommodation which neither suited us or Spain, but France. A recurrence to the journals will show this to have been the principal difference that subsisted within the walls of this House. There was no party of men in this House, or elsewhere, in favor of war—for I beg leave to call gentlemen on the committee to witness that the opinion of the majority of the select committee was, that we should neither give money nor make war; but that we should defend the limits of the old United States and the territories acquired from Spain. What were the facts? Our army was dispersed in cantonments, God knows where. The country to be protected was far removed from any considerable surrounding population—a country which, from the circumstances in which it is placed, must be kept and held by military force. When the militia of the United States from the most contiguous States to New Orleans were deputed to take possession of the country, events proved that it could not be defended by militia unless indeed by the militia of the Chickasaws, the Creeks, and Choctaws. It is not only cut off from the populous parts of the United States but it is protruded into the Gulf of Mexico, and also surrounded by extensive marshes, which do not admit of its being defended in the same manner as the other parts of the United States. So much with regard to a standing army. The committee applied to the head of the proper department to know what force would be required to defend the frontiers. Our report has been published. Why have not the letter addressed to the Secretary of War and his report been likewise published? If the Executive of the United States will take upon itself the responsibility of defending the country with a single granadier, be it so. But it was said there was not sufficient force to defend the country; and are we not now attempting by a landed bounty to generate this force? These circumstances prove our views in committee, and I do not hesitate to say that all the force we have should have been placed in the vicinity of New Orleans—that was the weak point which ought to have been guarded.

There is another view of the subject. Against Spain, with whom we had tried the fair experiment of negotiation, and which had totally failed, we took no manly attitude; while we reserved all our energy for Great Britain, and determined to coerce her by prohibiting the importation of her millinery. Yes, against Spain, when our negotiations had totally failed, and under circumstances of disgrace to the United States, we took no manly ground, but begged her to take money; while with Great Britain, with whom negotiation had not failed, while a negotiation was depending, we declared ourselves in favor of taking a decisive and hostile attitude. Here is the real difference of opinion. In the one case we had a pending negociation. In the other it had been tried and failed. But that is not all. Because we bought Louisiana from France, it was contended that we should be following the old precedent by buying the Floridas of Spain. But in answer it was observed that in the first case we made an offer to purchase, as a prelude to negotiation; and it was declared that the misconduct of the Spanish agents was unauthorized. But here the case was completely reversed. There was no doubt of the misconduct of the Spanish agents being authorized, and negotiation had been tried and had failed. There was another difference. In one case we made a fair and honorable purchase from France who owned the property; but in this case, we observed that we were about to make a dishonorable purchase of a highwayman of property taken from its rightful owner, or to obtain his services to bully it from its rightful owner; and it was known, the declaration had been repeatedly made, that a high officer of the Government of the United States, the head of the Department of State, avowed that the money was for France. Where has the Hornet sailed? To Corunna or to Cadiz? No, to Nantz, the high road to Paris. It was not because there was a party in the House indisposed to the honest acquisition of the Floridas, but because there was a party indisposed to acquire them at the expense of the national treasure and honor, that opposition originated to the measures you have taken. No, sir, we were not for war, we were for peace—for acting on true policy, on the principle of taking firmer ground than has been taken—that ground which we thought was called for; and not for endeavoring to curry favor with one of the European Powers by throwing our weight in her scale, and thus producing a cause of quarrel with another nation during a pending negotiation. This is the fact. We told gentlemen, that, after France had said, if you give Spain one blow I will give you ten or two, I do not recollect which,—after she had told you that your claims against Spain must be abandoned,—after she had in the most insulting and degrading manner interfered in your differences with Spain,—that, under these circumstances to put money into the hands of France was not only a violation of your neutrality with Great Britain; but that the ground subsequently taken towards Great Britain was a most dastardly accommodation to the wishes of France, in order, by putting on a hostile attitude to Great Britain, to curry favor with the Emperor of France; and which was not demanded by the situation of our affairs with Great Britain.

What is our true policy? To take part with neither of those nations—to let neither of them finger one dollar of our money—to resist the unjust pretensions of all. This policy we have abandoned, and what is the consequence? The national honor has received a stain which all the waters of the Potomac cannot wash out. It is on the page of history, and cannot now be taken off. The na-

tion is stigmatized—it has received a blot, which all your India rubber cannot efface.

But it has been represented that I took part with the Spanish against the American Government in relation to the disputed territory between the Perdido and the Mississippi. I took part so far as this: I did not wish to see the American honor sacrificed in a contest with Spain. I took part so far as to be called a Spanish partisan by some gentlemen, while others charged me with being willing to kindle a war with Spain. I stated that we had never received copies of the instructions of the Minister delegated to negotiate with the Spanish Government; and that, if we should call for the documents, we should find that the business, from the first to the last, had been managed in the most imbecile manner. I do not speak of the negotiator—God forbid!—but of those who drew the instructions of the man who negotiated. We bought Louisiana from France, under the terms of the Treaty of St. Ildefonso. According to the Executive understanding, that country extended to the Perdido and the Rio Bravo. We immediately legislated on our first claim, and passed a law erecting the bay and shores of the Mobile into a revenue district. What was the fact? That we were legislating without information. We had never been told that Laussat had been directed to receive the country only to the Iberville and the Lakes. We consequently legislated in error, for want of correct Executive information. This was the beginning. We then sent Commissioners to Madrid. These Commissioners had various causes of complaint against Spain. One was for the injury we had sustained from the suspension of the right of deposit at New Orleans, which has not to this day been satisfied; another was for spoliations committed on our commerce in the West Indies; another for spoliations committed by France; and another relative to boundaries. We claimed to the Rio Bravo, but our Commissioners declared themselves ready to agree, in case Spain ceded the disputed country to the east, that the Colorado should be the boundary line; and to make even this offer, our agents were obliged to exceed their instructions. This information is not drawn from documents before the House—it is not confidential. If gentlemen doubt its correctness, let them call for official documents. We wanted the territory on the east of the Mississippi, and offered to pay for it with territory west of the Mississippi; but Spain replies, That territory belongs to me; and as I am able and willing to defend both, I will not give up one to pay for the other. And so far from making the Colorado river a boundary—being a great concession, the present actual boundary is, I know not how many hundred miles this side of it. Could such a negotiation, thus conducted, fail to succeed? The great wonder with me, is, that the Ministers of the United States made out to continue their exertions so long as they did, in pressing such a proposition. At last, some of the X, Y, and Z men go to our Ministers, and say, Put on a hostile attitude towards Spain, and, when things are coming to a rupture, refer Spain to our mediation—give us a round sum, and we will dictate the terms on which an accommodation shall take place. When the fact came out, a general astonishment prevailed; and my worthy friend from Maryland, who no longer holds a seat in this House, told you that he hoped in God the negotiation would fail. I have said so much, that at least that portion of the public in our hearing may be undeceived in respect to the proceedings of the House, when in conclave, and may give due information to their constituents when they go home; for, situated as we are, in this remote corner of the Union—in a wilderness and desert, with but a single press—it is impossible that anything like a correct transcript of our proceedings can go to the public. I make this statement, that it may be known that we felt no indisposition to respect the national honor, either as to Britain or Spain, and that we were for no half-way measures with either nation. We were willing to try negotiation with Britain, and when that had failed, we were willing to go to the requisite length.

I hope, for the honor of the Executive Government of the United States, the Message of the President will be published. With regard to any effect it may have on the negotiations at Paris, it is the most idle thing in the world to talk of any effect being produced there by anything but money. They will look at your cash—if it is enough you will have your business done; if not, it will not be done. On this point, I will add a single word. I am prepared to hear it said that, if this negotiation fails, it will be in consequence of the secret journal being published. But it requires no wizard to foretell that it will fail. It must. The battle at Austerlitz has settled that question. It cannot succeed. It is impossible; and, were it possible, the success of the negotiation would depend on nothing done in this House, save the sum of money given to France to compel Spain to do so and so. What will be the consequence of your measures? If there shall be a peace in Europe, you will expect a strong Spanish squadron, aided perhaps by a French force, in the bay of Pensacola, and you may be glad to get off with a loss of two millions—you may be glad to get off with a loss of twenty millions. France sold Louisiana to the United States for so many millions; $3,750,000 of which were to be paid to our citizens. We have been gulled out of that. But the last thing that has entered into the mind of France is to settle anything definite with fixed metes and boundaries. Her object is to deal with you for money. She means to sell by the degree, and every time you apply to her for a settlement of boundaries, she will call upon you for more money. We were indisposed to give into these terms.

Mr. FINDLEY said, that the question before the House was only a motion for amending the secret journal from which the injunction of secrecy was taken off, by inserting the President's confidential communication. Yet, by attending to the argument of the gentleman from Virginia, (Mr. RANDOLPH,) it would appear that he was engaged in supporting articles of impeachment against the high officers of the Government, and not against

them only, but also against a respectable majority of this House, as if he had been vested with authority to censure and denounce their legislative measures on their own floor, when the subjects were no longer before the House.

But, Mr. Speaker, no motion has been laid on your table for impeaching the conduct of these high Executive officers, nor can any motion be admitted to enable a member of the minority to impeach the majority. It is contrary to good order, it is an outrage on decency, to defame the character, or impeach the conduct, in this way, of public officers or citizens on this floor, where they cannot answer for themselves. It has never been admitted in other public bodies in the United States, nor in Congress, till it was introduced by the member from Virginia; and, fortunately, it is peculiar to him alone to entertain the House with tales brought from out of doors, or from the whispers behind our bar, and with unsupported slanders on the Administration, and officers of the Government.

This is not the first time he (Mr. R.) has attacked the respectable character of the Secretary of State in this rude manner on this floor. This manner of doing it is entirely improper. If Mr. R. had a charge against him, he ought to have moved for an inquiry into the conduct of that high officer, as had been done not long since with another respectable head of a Department; but this would not have answered the gentleman's purposes of slander. The Secretary of State would have had the opportunity of defending his own character.

But, Mr. Speaker, what is the charge for which the Secretary is so vehemently denounced? It is some sentences of a confidential conversation, told in Mr. R.'s own manner. It is true, indeed, that that gentleman is in the habit of entertaining the House with scraps of confidential conversations, but surely he knows that the House cannot take his statements for vouchers. He knows, and this House knows, that he has already had to correct on this floor a statement which he had rudely made, of part of a confidential conversation he had had with the Secretary of the Treasury; but even the correction is justly presumed to have been defective; it was not the whole truth. The House does not receive the assertion of any member, instead of vouchers, not even on a motion for impeachment, or a complaint of contempt. In such cases, testimony is required. When the gentleman's habits, in this House, are considered, and the evident resentment which he declares to be irreconcilable, and which he expresses in a manner not to be mistaken, against the Secretary of State, we are justified not only in receiving his assertions with some abatement of confidence, but with suspicion.

Mr. F. said, the gentleman from Virginia has this day, as on former days, said a great deal about France; that we were about to give money to France; to give a bribe to France, &c. Does the gentleman dream about France at nights, and retail his dreams in this House in days, or is his imagination always in a dreaming state? If we are to judge from the desultoriness of his arguments, perpetually wandering from the subject before the House, dragging in subjects that have no bearing on the question, flying from one subject to another, without coherence; we might justly presume that the last and many other of his arguments were the dreaming effusions of a vivid imagination, highly disordered.

Mr. F., taking the secret Journals, now made public, in his hand, read the resolution agreed to with shut doors, declaring that the appropriation was made toward defraying the expense which may be incurred in the purchase of the Spanish territories lying on the Atlantic ocean and the Gulf of Mexico, and eastward of the Mississippi. This resolution, he said, was the foundation of the bill now enacted into a law, with such a change of language, as has been usually made hitherto in such cases respecting our foreign relations. Mr. F. turned to another resolution, moved and supported and voted for by the gentleman from Virginia himself, authorizing the President to make a settlement of existing differences between the United States and the Court of Madrid, by making an arrangement between the two Governments, which shall secure an ample barrier to Spain on the side of Mexico, and to the United States the countries watered by the Mississippi, and to the eastward of it. Both these resolutions were carried to the President, agreeably to the order of the House, by the gentleman from Virginia himself, and another member.

Mr. F. said he voted against the second resolution, because the subject belonged to the treaty-making power, over which the House had no control, except where grants of money were required; but it was carried, and it was Mr. R. who prepared, moved, supported, and presented to the President both resolutions. The same gentleman who has so frequently, on this floor, in his reveries about France, asserted that there was no Spain, no Pyrenees, that Spain was in France, &c., and, on this wild assertion, he grounds his still more wild assertions, that we are giving money for a bribe to France. Does he never reflect, in his dreams, that he has given from under his own hand, confirmed by his official vote in the House, that there is a Spain with whom the United States should make an exchange of territory, and to whom we ought to grant an ample barrier on the side of Mexico; that there is a Court of Madrid with whom it is competent for the United States to make arrangements? There is not a word about France in either of the resolutions, nor in the law, nor in any part of the proceedings. This is evident to every citizen who reads the Journals of the secret proceedings. Mr. F. asked, how will the gentleman reconcile his frequent and bold assertions, that there was no Spain, no Spanish territory, &c., with his deliberate and solemn official act directly in opposition to his assertions? How, at this time, with these Journals before him, could he have the effrontery to declare that the United States were irrecoverably dishonored by these transactions?

But, he says, in proof of this assertion, that the

ship with the instructions, &c., has gone to Nantes, in France, instead of Corunna in Spain. What sort of proof is this? Why did he not tell the whole truth? Why did he not tell the House that the ship carried the appointment of Envoy Extraordinary, and instructions to our Minister at the Court of France, to go to the Court of Spain to assist our Ministers at Madrid, in negotiating at that Court, agreeably to the gentleman's own resolution, and the law passed for that purpose by Congress? No. So much candor would not have answered the gentleman's purposes.

But a few days since, that gentleman informed the House that the ship had sailed, and taken the money with her before the appropriation was made, &c. Presently, it got into the newspapers, that a great many tons of specie, he believed above sixty, were carried away in that ship. Every member who understood the subject knew that the assertion was wholly unfounded. They knew that money was never sent in this way for such purposes. They knew that the object was always accomplished by providing a credit for bills to be drawn when the negotiation was completed. That this was the case at present, any member may be informed by inquiring at the proper source; but he would take no notice of several other such misrepresentations, calculated to impose on the House, and to occasion falsehoods to be published in the newspapers.

Mr. F. said, that he was opposed to publishing the secret Journals, though he knew they would operate to correct numerous unfair allusions that had been made to them by the gentleman from Virginia, on some occasions with open doors, that they would convince the citizens that the proceedings with respect to Spain had no analogy to or bearing on, our commercial relations with Britain, and will show what confidence is to be placed in the gentleman's assertions. But the unprecedented publication, not only while the negotiation was depending, but before it had commenced, being calculated to defeat it, agreeably to the gentleman's wish, so frequently expressed, he (Mr. F.) voted against taking off the injunction of secrecy until the issue of the negotiation was known, agreeably to all former precedents in similar cases. He said he would also vote against publishing the President's communications, not only because the design was to defeat the negotiation, but to destroy confidence between the Executive and the Legislature, and between our Government and foreign nations; but, for this reason, he said, he would wish them published, to correct the disorderly misrepresentations made of them by the gentleman from Virginia, on the floor.

Mr. F. said, the gentleman has charged the majority of this House with giving money to purchase peace with Spain, who refused to negotiate with us, and took measures that would lead to war with Great Britain, while negotiation with that nation was depending. Mr. Speaker, the gentleman gives a mistaken view of the case. With Spain there was no negotiation depending for the purchase of Florida. A negotiation had taken place about settling the boundaries of Louisiana; but the parties had differed in opinion. The President might have very properly negotiated for the purchase of the territory so very desirable to us, and might have laid the treaty before Congress for their approbation and provision; and in so doing, have thrown the responsibility on them. But he, no doubt for good reasons, chose to have the approbation of Congress, and provision for the object before he commenced the negotiation. This he has obtained, but not in time for the negotiation to have yet been begun.

It is well known that, with respect to the impressment of our seamen, a real and unequivocal act of hostility, negotiation has been attempted with Britain during the whole course of the former and present European war, but without effect. At one period it seemed to be agreed upon; but it was afterwards clogged with inadmissible exceptions. Last summer, after the new and ruinous aggressions on our commerce had been authorized, the Minister of the United States at the Court of London, after other attempts to negotiate had failed, gave into that Court a sensible and spirited memorial, to which no answer was given when we received the latest information. Therefore the whole extent of negotiation with Britain on those subjects amounts to this, that the United States perseveringly endeavored to negotiate, and Great Britain as perseveringly declined negotiation. Mr. F concluded by saying, that as he had no intention when he rose to follow the gentleman through all his extravagant wanderings, he would detain the House no longer.

Mr. FISK.—I shall, with some reluctance, vote against amending the Journal. It is my wish, at all times, to bring before the public eye whatever is done by its public agents, whenever the good of the country admits of it. I conceive, however, this communication to be confidential, and that it would involve a breach of faith to the other departments now to publish it. We are told to-day, for our consolation, that some members have voted with their eyes open to truckle to France, in order to coerce Spain, and that others have voted to the same effect ignorantly. I, however, am one of those who remain obstinate in my conviction, in spite of all the information of the gentleman from Virginia. I believe we have acted as our duty required, and as justice to our constituents demanded. We are asked what is the situation of this country with regard to Spain and Great Britain, and where the injury towards us lies? Is it with Spain? If the gentleman from Virginia speaks the truth, we have no ground of complaint against Spain as to territorial aggressions; for, it will be recollected, that that gentleman, when our doors were shut, said that the boundary line claimed by Spain was on this side of the country where those aggressions took place, and that, when the negotiation took place between France and the United States, Spain entered a *caveat* against our acquiring this country; and, in his opinion, by the treaty with France, we acquired no territory east of the Iberville. There was, it is true, an outrage committed by officers of Spain within the acknowledged jurisdiction of the Uni-

ted States. But what are the facts attending this affair? The moment representation was made to the Governor of the Floridas, he declared the aggression unauthorized, and promised to make a full and strict inquiry into the circumstances attending it. Does this look like settled hostility on the part of Spain? No, it ought to be received as a sufficient disavowal of any such hostile intention. This information we have from official documents on our tables. Let me now ask, what is our situation relative to Great Britain? Has she not committed lawless aggressions on our commerce, and continued to impress our seamen for years past? Under these circumstances, what ought to be the policy of this Government? Ought we forthwith to declare war against Spain while we negotiate with Great Britain? The gentleman from Virginia says he is not for declaring war against Spain; but the resolution which he proposed contained a proposition for raising a number of troops to repel the aggressions of Spanish subjects. Let me ask, then, whether it is probable that the raising additional troops would be less likely to produce war than a mere commercial regulation? But it is said that Spain is under the control of France; that she is indeed in a state of bondage to France, and it is inquired whether it would be just to receive this country from a Government in such a state of vassalage? But if Spain is in this state, are we therefore to renounce our own interest? Or, is our obligation to pursue that interest, by the means in our power, to be lessened? If Spain sees fit to suffer herself to be controlled by France, I am not one of those who are for crossing the water to be the guardian of her rights. I am not so much of a republican yet. In this country this species of republicanism belongs exclusively to that gentleman, though he has not the honor of being the original inventor. The despots of Europe have long understood it. The Emperors of Germany and Russia, with the King of Prussia, were actuated by it in the conquest and division of Poland, and the same would have led us to war with Spain, and a conquest of the Floridas. It is said to be absolutely necessary to raise an army, as the frontiers could not be defended by militia. But I believe that this is not true. I believe, on the contrary, that the militia are able and ready to defend the country whenever it shall be in danger. As to the Government of Great Britain, we are told we have assumed a hostile attitude to her. How? By barely going into commercial regulations? Have we not a right to do this—and has Great Britain a right to complain of what she herself daily practises? But the gentleman, it seems, is principally against the negotiation with Spain, because of the effect it will have on our affairs with Great Britain.

It seems, then, that the gentleman is not disposed to shrink from war when it would carry him to his true point. With Great Britain he sees war in all its horrors; but when we come to Spain, he says that, unless we take hostile measures towards her, Great Britain will take umbrage. The gentleman says, that he and his friends wish, and are perfectly ready to resist the aggressions of both Powers. But let me ask how? When measures were proposed to be taken with Great Britain, he deprecated her power and the danger of a conflict with her; with a prophetic spirit and in glowing colors, he painted the dismal scene—our coasts invaded, our towns in flames, and our citizens flying to the mountains for shelter. Should we realize this prediction, I can tell the gentleman for his consolation, that undoubtedly some guardian British angel will protect him from harm, and, by the hand, conduct him from the scene of destruction to some place of safety.

I was really at a loss to discover the motives of the gentleman, when he brought so often to our view the egregious folly, weakness, or wickedness, of one of the heads of departments. At every turn of his discourse we met with a complaint against, or a denunciation of this officer. If there is any truth in the charges he has preferred, he ought to bring them fairly before the House and institute an inquiry. But to assault the character of a man in this side way, is a piece of cruelty and breach of good conduct, which ought not to be suffered. If that character be gullty, his conduct ought to be properly inquired into; but I fear that the gentleman from Virginia, in these remarks, had a different view. The other day much was said by that gentleman, of the halfway house. I believe that he has engendered ideas on this subject in his own brain, until not being any longer able to keep them, he has divulged them to the House. I will say that he is the only man whom I have heard say a word on the subject.

The present question is to publish the Message of the President. This once effected, other documents may be called for. We shall be told that it will be incomplete without the documents from our foreign agents. I believe this to be a branch of one and the same system, the effect of which will be to destroy the harmony essential to the Government. When the President made this communication to the two Houses, he informed us that it would not, in his opinion, be prudent to communicate it to the public while great national affairs were depending; nor would we be authorized to do it, in my opinion, without consulting the other branch of the Legislature. Under these impressions I am decidedly against publishing it at present.

I have heard with regret the remarks of the gentleman from Virginia made this and the other day; and particularly the denunciation of one of our heads of departments, relative to a production which we have just reason to admire, and respecting a man who has served his country for thirty years in various high stations. I hold a very different opinion on this point from the gentleman from Virginia. My confidence is unshaken in the gentleman he denounces; nor do I believe the confidence of the nation is shaken.

Mr. G. W. CAMPBELL.—Before the question is taken, I will take the liberty of submitting a few remarks to the House. I understand the question to be, to insert the Message of the President of

the 6th December, in the Journal. In the remarks which have been made on the question, the proceedings of the House while in secret sitting have been brought into view. I was opposed to making those proceedings public; I thought then, and I still think, that we were thereby committing the honor of the nation. I did think, when the majority had sanctioned a negotiation, that no measure calculated to frustrate it should have been taken, until the negotiation had been fairly tried. It was for this reason I was opposed to removing the injunction of secrecy; and not because I was unwilling that the people of this country should be made acquainted with the proceedings which took place in this House with closed doors. My object was to prevent the interference of foreign nations, who might feel an interest in defeating the measure. The public will judge of the propriety, under these circumstances, of making these proceedings public. But as a part of them has been made public, I wish the whole could be made so, consistent with the interest of the nation; though I entertain strong doubts of the propriety of the measure, I shall not, however, oppose the motion before you. But, before the question is taken, I beg leave to remark, that so far as relates to the observations between the gentleman from Virginia, (Mr. RANDOLPH,) and the head of one of the departments of this Government, they have nothing to do with this business; and they can have no influence on the decisions of this House. I did not expect to have heard any such conversation introduced on this floor. We did not come here to hear such conservation or to act upon communications of that kind. What may be the private opinions of a particular head of department, it is not for this House to know; they cannot officially come before us; we have nothing to do with them.

It is said, sir, that a certain communication which was calculated to affect our votes relative to the bill making appropriations for the purchase of the Floridas, was detained some weeks after it was received from our Minister abroad, before it was laid before us. I say, Mr. Speaker, that no communication made to this House was calculated, in my opinion, to alter the votes of the members of the House on that subject—certainly none that would have changed mine; but whether that communication was or was not made to us in due time after it was received, I do not pretend to say. I do not know, however, that we have any claim to it from the head of department. It was not his duty to communicate it to us, that belonged to the Executive; and why the circumstance has been mentioned here, I cannot pretend to say. With regard to some other remarks made by a gentleman from Pennsylvania, (Mr. J. CLAY,) I think it proper to state that there is no communication before this House which authorizes the assertion that a threat has been made by France against the United States. I deny, sir, that there is any document which, if properly understood, can be construed to have such a meaning. I say, likewise, that there is no document before the House which authorizes the assertion, that France told us, if you give Spain one blow we will give you ten or two, as stated by the gentleman from Virginia, (Mr. RANDOLPH.) There is no such expression, nor any other that would countenance the idea. France was not brought into the question as being concerned in our differences with Spain. She has, indeed, been lugged in, in the place of argument; and we have been charged with truckling to France, when in all our proceedings the name of France has hardly ever been mentioned, except by gentlemen in debate who will not admit that Spain exists as a nation. I deem it proper also, to say, that the assertion that any member of this House voted for a measure calculated to bribe one nation, to induce another to give up her rightful property, so far as it may be applied to me, is without foundation, and not authorized by any act of mine, and that no man will undertake to say so. The word bribery ought not, indeed, to enter the walls of this House, as applicable to any of its measures or proceedings. It will, Mr. Speaker, appear from the Journals of the House, now made public, who have or have not supported the interest of this country; who are willing to support just measures calculated to maintain peace, and are disposed to take a manly attitude, against those who violate our rights; and it will also appear who they are, whose proceedings tend to embarrass the nation, to bring the Government into contempt, to produce schism, and to impair the confidence of the nation in the Administration, at a time when I believe it is as high as it ever was; and, I apprehend, deservedly so. I believe, too, the nation will not be found ready to withdraw that well-placed confidence from the head of department who has been denounced in this House. It will appear, too, who have taken measures calculated to disturb the peace of the Union, and to produce an alarm of danger for which there is no foundation. I solemnly wish that not only the Message of the President, but every document, and every word uttered in secret might be made known to the people, I wish it, because I think it would not then be practicable to impose on the nation by a coloring given to those proceedings, unauthorized by the facts that took place.

I will state to the House, while I am up, that I voted against increasing the army, because I believed that no emergency existed to require it. I saw no call for it, either in the information contained in the public Message, or in the other communications made to the House. In the public Message, we were told that Congress would, in the course of the session, be enabled to determine whether it would be necessary to increase our land force, by the events which would probably take place. No events had taken place, when the measure in question was before the House, that changed the former state of things. It was also my opinion that we ought not, on every trivial occasion, to increase our present Military Establishment, and abandon the ground we had taken, of reducing the number of our regular forces—acting on the principle that standing armies are

dangerous to liberty, and are the most fatal scourge in the hands of an usurper or a despot. On this ground I have been always opposed to them, and ever shall be, unless an extraordinary emergency should render it indispensable to resort to them. I was of opinion that, even on an emergency, the militia were, in the first instance, to be resorted to, not only as the Constitutional, but as the most competent and safe defence that we could provide. I know of no reason why we should think them not competent, as we have always heretofore found them to be so. For these reasons, amongst others, I was opposed to an increase of the army. I was also induced to be of this opinion from the documents on your table, from which it did not appear to me that Spain had any serious intention to commit hostilities against the United States, or that her Government, or commanding officers, had authorized any in the territory of which we had taken possession. The inconveniences, with regard to our undefined limits, and the embarrassments attending the passage of our commerce down the Mobile, together with the necessity of having those other differences existing between us and Spain amicably adjusted, induced me to vote for the principal measure, adopted by this House with closed doors. I voted, sir, for the appropriation of two million of dollars, to authorize the Executive to negotiate with Spain for the purchase of the Floridas. In doing so, I did not authorize the Government to bribe France to coerce Spain into this measure, nor do I believe that there is the least ground for any such allegation, with regard to any member of this House. No, sir, our object was to obtain a fair purchase of the Floridas. We believed it important to acquire them; because the acquisition would connect our disjointed territory, would give us the command of an extensive seacoast, including the outlets of many large rivers and some good harbors, and free us from the inconveniences to which we were exposed by neighbors who were likely to become more and more troublesome. In the vote I gave, I contemplated the measure to be carried into effect only in a just and legal manner, by a fair purchase. I know no other way in which a territory can be acquired, consistent with common right and principle. It was intimated, it is true, to us, that it would be easy to take possession of this country by force, and that it would be always in our power to take it whenever we should wish to become the owners of it; but, for one, I disclaim all disposition to wrest that country from its rightful owner without any other ground of claim than superior force. So far as the country is ours by purchase, I am disposed to claim and hold possession of it, but no further.

But suppose, sir, we take possession of this country by force; we should not thereby acquire a just right to it. Such a measure would not be consistent with, or authorized by, the law of nations, and could vest in us no valid title. It was for these reasons, that I considered the only effectual way of acquiring a just title to this country was, by entering into a fair and honorable compact for it with its rightful owner. The measure was agreed to by a large majority, made by two-thirds of the members of this House. It seemed to be agreed by all, we ought to acquire this country, and the principal question was, how shall we get it, or, what shall we give for it? I was, sir, of opinion that it would be best to give money for it; that we should, in this way, get it cheaper than by resorting to any other means. That it was much cheaper to pay for it with money than with the blood of our citizens. I considered that the land would repay, and more than repay us for the purchase money, and that the additional revenue we should acquire, would give us a still further compensation for our trouble, and advance made in acquiring the country.

A proposition was offered about the same time, to exchange territory to the west of the Mississippi for the Floridas. I was decidedly opposed to that proposition. I protested against it then, and shall ever oppose it.

I conceived it contrary to the Constitutional right of the people at large, that Congress should assume the power of giving away, or disposing of a single acre of our territory to a foreign nation. I considered that the territory in question was part of the Union, and if so, that we might as well attempt to give away a part of a State. I considered this as establishing a principle of a most dangerous kind, which might, in time, lead to a dismemberment of the Union.

If you can dispose of this territory to a foreign Power, you can of a part or the whole of a State. You may transfer, at one time, a portion of country to the east, and at another, a portion to the south, as well as to the west; and by this means, a designing majority would be enabled—if apprehensive of rivalship in power or influence, from the increasing population of any part of your country—to round off the Union at pleasure, so as to suit their own particular views. I did, therefore, call upon this House to guard against such dangerous consequences. I also considered, that the country in question would be settled by people of some nation. I preferred it should be possessed by those of the United States and their posterity, forever—that they might form but one great family, from the Atlantic to the Pacific Ocean—and I did not wish, on the contrary, to enable the subjects of a foreign nation to increase and strengthen themselves in our neighborhood, who might at some future day, not very distant, become our rivals and our enemies.

It was observed that this money would go to France. It was then stated, and it has been repeated, that there was nothing to authorize the belief that France was to get this money from us. It is true, it was well known, if we believe the public prints, that France had got money from Spain; that Spain, previous to her being engaged in the present war as the ally of France, had to purchase her neutrality from France with money, and that the treasury of Spain was, in a great degree, the treasury of France. And suppose this to be the case, what have we to do with it? Is it material to us what Spain does with the money after she gets it? And if Spain consults France,

who is her ally, with regard to the sale, has she not a right to do it? Has she not a right to be as submissive to France as she pleases? Would that be any objection to our acquiring the territory from Spain? I can see no objection, even should we believe that France would eventually get the money we pay to Spain, to our making the purchase in question. But is it unusual for two nations, in close alliance, to consult each other as to their transactions with a third Power? Is it not, on the contrary, the constant practice to do so? The alliance may be such that Spain cannot alter her territorial situation without the consent of France. And is this a reason why we should not make a fair proposition to Spain to purchase territory which she has and we want? It cannot be; there is no foundation for this objection.

Mr. Speaker, I think it proper here to state, that there was no part of my conduct such as to authorize any man to say the measure I voted for was calculated to bribe any nation. This was not my intention; it was not the intention of a majority of this House; and such an allegation cannot be believed by the public or by any unprejudiced or candid individual. I have only one other remark to offer, in regard to an observation made by the same gentleman from Virginia, (Mr. RANDOLPH,) that the ground we have taken is calculated to show a dastardly spirit towards Spain or France, and to present a hostile attitude towards Britain. I do not consider it in that point of view. I do not think the conduct of Spain requires from us the manifestation of any hostile intention. That Government does not appear to have authorized, and her public officers have disavowed, the aggressions alluded to. It is well known, however, that we did take an attitude towards that nation calculated to show a determination on our part to repel aggressions. Our soldiers were ordered to patrol the country, and they did so, without meeting with any hostile opposition from Spain. There is no ground, then, to believe that either Spain has a hostile intention towards this country, or to say that we have been disposed to shrink from taking a manly position, or that we have manifested a dastardly conduct towards her. With regard to France, I will only say that I know of no differences existing between the United States and that nation. And so far as regards Great Britain, it is fully known to the public what her conduct was towards us, and what measures we have adopted in this House, in regard to her, on which I have already delivered my sentiments, and shall not here again repeat them.

Mr. KELLY.—I did not expect to offer any arguments either in favor of, or in opposition to, the decisions lately made, from which there has been an appeal; but, as that appeal has been made, I rise, not for the purpose of going into any wide argument, or of accusing any set of men, but for the purpose of justifying myself and the vote which I shall now give, as well as that which I have given. It has been said on this floor, with open doors, that the reason of giving money was to prevent the necessity of raising a standing army; and that it was better to strengthen the arm of the Executive with money than by a standing force. From this, it might be inferred that the reasoning, on the part of the minority, went to raising a standing army. As I voted with the minority on this occasion, I will briefly state some of the reasons which influenced my vote. It is not in order to say anything relative to the confidential message, but it is perfectly in order to speak of the message delivered at the opening of the session; and I believe it is perfectly fair to say that there was no occurrence between the third day of December, when the public message was delivered, and the sixth, when the confidential message was received, to change the circumstances in which we were previously placed. I shall vote in favor of the publication of this message as being the ground-work of the proceedings we have adopted in secret. I wish it published, that the public may judge whether those proceedings were consonant to this message or not. I should wish the public to see whether the part taken by the minority, or the measures of the majority, are the most consonant with it. To enable the people accurately to judge, I think it essential that it should be published, as the Executive branch of the Government is presumed to be the best acquainted with our foreign relations. The Message of the President, at the opening of the session, specially mentioned and designated Spain. It informed us that "Inroads have been 'recently made into the Territory of Orleans and 'the Mississippi; our citizens have been seized, 'and their property plundered, in the very parts 'of the former which had been delivered up by 'Spain, and this by the regular officers and sol-'diers of that Government." The message also advised us that something was necessary to be done. It said that some of these aggressions might, perhaps, admit of a peaceable remedy, but that others could be met by force alone. That message, it will be allowed on all hands, called loudly for efficient measures on the part of the Government; for taking against Spain, if not a hostile, at least a defensive posture; and I will undertake to say that nothing which has occurred in secret, tended to inculcate the propriety of a different course; nor could there be anything, for the one message so quickly followed the other, as not to allow time for any intervening circumstances. What followed? A report of a committee, stating the aggressions of this Power to be of a most atrocious nature; not recommending a war to check the rising growth and prosperity of the country, but recommending that a certain number of troops should be raised, at the discretion of the President of the United States, to repel the insults that might be offered, and to chastise those who offered them. This measure appeared to be proper in itself, and it appeared likewise to be recommended by the tenor of the message. It appeared to be the more necessary, as we had information of the collecting of a considerable force in the provinces of Spain, and at Pensacola. For these reasons, it appeared to me desirable that such a force

should be raised, as the President might deem necessary. This was not creating a standing army. The number of troops to be raised was to be left entirely to his discretion. The resolution proposed is as follows:

Resolved, That such number of troops, not exceeding ——, as the President of the United States shall deem sufficient to protect the southern frontiers of the United States from Spanish inroad and insult, and to chastise the same, be immediately raised.

It has been alleged that the militia would have been competent to defend the frontier; but this could not prevail on me to abandon the measure, as I could not think it proper that the militia, even if competent, should be forced out into so unhealthy a service. The resolution embraced no other idea but that the standing force in that quarter should be strengthened. I considered this safe and proper, to make provision for cases which might arise. I could not believe that the militia would be competent to defend the country. They are too remotely situated, and the country too sickly; and the only just calculation was, that they would have found their graves there. It was not contended that a large army was necessary, but that it would be requisite, in case the Spanish troops should be superior to ours, to raise a few recruits.

These are the reasons that induced me to vote for the resolution. I had others. We were informed of the necessity of having additional land batteries, of putting our ports and harbors in a state of defence, and of building an additional number of gunboats. If these measures were carried into effect, I thought, as militia would not be competent to these objects, it would be requisite to have an addition made to our troops. Under all these circumstances, I was in favor of empowering the President to raise a small number of troops. But, while I was in favor of this measure, I was as strongly opposed as any man on this floor to anything like a large standing army. I will never consent to such a measure, without an urgent necessity for it.

I was opposed to the measure adopted by the House on many grounds. It appeared by the report of the Secretary of the Treasury that there was not in the Treasury more than a surplus million of dollars. I considered it improper, when we were threatened from every quarter, to lay a magic hand on the two millions appropriated—to anticipate the receipts of revenue by a million of dollars—and thus drain the Treasury, when money might soon be wanted for the most urgent purposes.

I was opposed to it on another ground—it did not appear for what purpose it was to be applied. It is true, I heard one gentleman say, it was in correspondence with the secret wishes of the President; but I could pay no regard to that declaration. We had before us no communication, either public or private, which declared that it was either with Spain or France that the negotiation was to be carried on; nor had we any reason for entertaining the idea that the two millions, whether they are gone or not, would make one farthing's difference. It was necessary for me, voting on this occasion, to see the necessity and propriety of the measure. We had been told, in the Message of the President, that the negotiation with Spain had come to an issue, and that that issue was not favorable; but we had received no information that Spain was disposed to adjust her differences with us respecting boundaries. We had, on the contrary, different information. Neither had we any intimation that the contemplated negotiation would be agreeable to Spain, or to the President of the United States. Was it, then, proper for the House or myself to vote for appropriating two millions of dollars—for the Lord knows what—when it neither appeared from any communication from the President, or from any other official source, to be desirable? If we had had such intimation from the President, what security was there that the negotiation would have been made? And I am inclined to believe that I should have been opposed to its having been entered upon. What gave rise to the first purchase? The right of deposit stipulated by treaty to us had been refused. It is well known that a considerable number of vessels came down the Mississippi, which, from their peculiar construction, could not reach the ocean; and thence resulted the necessity of a place of deposit. The refusal of that right first gave rise to the idea of a purchase. We got possession of New Orleans, and of the river, and found ourselves also possessed of a strip of land on the other side of it, after having thought we had purchased West Florida. And when I find, instead of this, we have been swindled out of our money, I am unwilling to negotiate again, and give away the public treasure. Even after this shall have been done, it will be extremely easy for France or some other Government to raise a difficulty, and claim an additional sum for its adjustment. Was it not believed, on the part of our Government, that we had made a fair purchase, not only to the Rio Bravo in one direction, but to the Perdido in the other?

I had another reason against this measure. I thought this an improper time to accomplish it. Having already got the navigation of the Mississippi and the island of New Orleans, I thought it most advisable to delay the negotiation till a general peace, when we might make an engagement with Spain as an independent nation, and have some assurance that the nation which sold would be able to guarantee the country. On these grounds I voted in favor of the resolution reported by the select committee, and against the measure adopted by the House.

I have thought it proper to assign these reasons, that all may understand the grounds on which I voted. And this consideration will justify me in voting to give publicity to the Message, that the public may see what is the ground-work of the measures we have taken. I wish the nation to see whether that Message recommended taking the ground which we have assumed, or that which we refused to take.

Mr. J. CLAY.—I must say that the observations which have fallen from my colleague, and other

gentlemen who have taken a part in the debate, have strongly impressed me with the propriety of the motion under consideration. There appears to be a material difference of opinion as to the true construction of the Message and the documents communicated by the President. It is apparent that I understand those communications in one way, and my colleague in another. We have been told that one nation (France) has been improperly dragged into this discussion. The Message of the President ought, in my opinion, to be published, to show that this is not so. There are other sources of differences of opinion which can only be understood by giving publicity to the Message. Gentleman have gone into a long detail of the motives which governed them in the votes which they have given. It is not necessary for me to imitate the example they have set. I hope, when my motives are called in question, it will be before the public, and not here. I shall be ready to defend them by all the means I possess, the vote of this House notwithstanding. I believed, when the injunction of secrecy was removed, it was removed from our proceedings; and I considered all that was laid before this House as so far my property that I had a right to use it in my defence. We have been told there is one for voting against the resolution—that a standing army was proposed to be raised by it, while the militia would have answered every useful purpose. This may be a very good and popular argument, but we have been within a few days told, from the same quarter, that it is necessary to have a Brigadier General in the Armies of the United States, to defend one of these very Provinces attacked by Spain. Some allusion has been made to a conversation held out of doors, and my colleague has shown some squeamishness to act on such authority. But I will ask him, if he invariably makes up his votes from official documents laid on this table, and whether he does not sometimes travel out of the record? When a gentleman tells you such and such a thing, in which the honor of the nation is implicated, ought he to be considered as out of order? Was it not his duty to give that information to the House? I will say, if I had been acquainted with these things, my doubts as to the propriety of the appropriation of two millions would have been much increased. Permit me here to observe, that when a gentleman intimated that the money was already gone out of the country, no man in his senses could have dreamt that it was intended to assert that it was sent out in so many actual Spanish milled dollars.

Does the Secretary of the Treasury, when he informs us there are so many dollars in the Treasury, mean to say there are so many round silver dollars there? No; he only means to say we have a credit to such an amount. So, with regard to our transactions with Spain; I understand that our credit is in Holland, and that the fund is created there from which we are to draw. Is not this, to all intents and purposes, the same as transmitting the money to Holland? When a man pays a debt, is it to be supposed that he carries the actual dollars with him? To say the least of such an objection, it is a mere quibble. As there is a material difference of opinion as to the construction of the documents and the Message of the President, it is a duty which we owe to ourselves to lay before the people all the information on which we acted, that we may stand justified or condemned by it before them.

Mr. EPPES.—I rejoice that the period has at length arrived, when our public conduct is to be submitted to the people—when, what has been done in our Representative capacity is to be collected, not from eloquent representations on this floor of what other gentlemen would not do, but from the record of our proceedings. The secret is out—the bubble has burst—and gentlemen find themselves and the public disappointed. I consider the publication of the Secret Journal as an appeal to the people. I am willing to indulge gentlemen in making it as perfect as they can. I shall vote for the amendment of the gentleman from Virginia, or for any other calculated to bring this subject fairly before those to whom we are responsible for our conduct. The Journal is the best answer to their speeches. Amend it as they will, they cannot realize the public expectations. Its publication, I firmly believe, will excite no sentiment but surprise. On the day the injunction of secrecy was taken off, your doors were crowded with persons anxious to hear this tremendous secret. I witnessed nothing but disappointment. Congress has appropriated two millions of dollars to buy Florida! Is this all? Have you not confiscated the public debt, or, at any event, the Louisiana stock? Most certainly you have voted money to bribe Talleyrand. No, I assure you we have done nothing more than appropriate two millions of dollars for the purchase of Florida, in a law containing precisely the same words with the one passed for that purpose in the year 1803, and supported by the very persons who have denounced this measure. Gentlemen have attempted to draw a distinction between the situation of the United States in the year 1803 and in the year 1806. I am not so uncandid as to say that the present differences with Spain are precisely such as we had in the year 1803. This, however, I will say, that every objection urged against the present appropriation applies with equal force to the measure of 1803. Let us examine what was the situation of the United States with Spain at these two periods.

In the year 1803, Spain had committed spoliations on our commerce to a considerable amount, the payment of which had been either wholly or in part refused. She had cut off the whole Western country, from an outlet to the ocean, by prohibiting a deposit at Orleans, and refusing to assign an equivalent one elsewhere, as stipulated by treaty. The remedy adopted by the collected wisdom of the nation, was, holding in readiness a detachment of militia, and making a secret appropriation to buy Florida.

In the year 1806, Spain had refused an amicable adjustment of limits—had refused to pay spoliations on our commerce—had in one instance violated our territory. The remedy resorted to, has been to hold in readiness a detachment of

militia, and to appropriate money for the purchase of Florida.

This was the situation of the nation at these two periods. Whether at either period, the wisest course has been pursued, I shall not attempt to prove. In both cases the nation adopted the same principle. To avoid war if possible, and to purchase territory, rather than to fight for it. All the strong objections urged against the measure at present adopted, apply with equal force to the measure adopted in 1803. The two laws contain precisely the same words, and neither specify the object of appropriation. The law of 1803 was passed in secret, with closed doors. The law of 1806 was passed in the same manner. The appropriation in 1803, was not recommended by the Executive, but founded on a resolution submitted by a member of the House of Representatives. The appropriation in 1806, was not recommended by the Executive, but founded on a resolution submitted by a member of the House of Representatives also. The object of the appropriation in the year 1803, concealed from the people twelve months; in the year 1806, made public in a few weeks! Gentlemen may draw nice distinctions, but they will find it difficult to make the people believe, that the measure adopted in 1803, was wise and virtuous, and the same measure in 1806, infamous. I appeal with confidence to the people: they will and must see, that this is the very same measure adopted three years ago, without noise, in a law containing the same words, passed in secret in the same manner, and supported by the very persons who have denounced this measure.

When, however, this measure shall be fairly brought before the public, it will be found, that notwithstanding the noise and clamor which has been made, the difference between the majority and the minority on this question is not very considerable. Every member of the House of Representatives admitted the necessity of doing something. What were the remedies within our reach? 1st. To declare war. 2d. Either to increase our standing army for the purpose of strengthening our posts, or holding in readiness a detachment of militia. 3d. To exchange territory, or to purchase.

As to the first of these, declaring war, no member of the House of Representatives wished to pursue that course. The gentleman from Virginia certainly did not. His report speaks only the language of peace; all the evils of war to this country, are dwelt on in that report with care and labor. If, however, we had not this proof, that he did not wish for war with Spain, he has given unequivocal proofs of it in his arguments on another question. A war with Spain, we know, must be a war with Spain and France combined. They are joined by alliance offensive and defensive. To a war against France and Spain combined, all the objections urged against war with England, would apply with full force. If war with England would have increased Executive patronage, and endangered the Constitution and the liberty of the people, so also would war with France and Spain combined—we put war aside, therefore, as a course which no man wished to pursue. The next course was either to increase our standing troops, or to hold in readiness a detachment of militia. Here was room for an honest diversity of opinion. A majority of the House preferred depending on a militia. I was of that number. I thought the standing troops in that country sufficient for the protection of it, unless Spain determined to force a war. Subsequent events have shown the correctness of that opinion. No violation of territory has taken place since the case of the Kemplers, except by twenty Spaniards, who crossed the Sabine, and were driven off by the American troops. The next course was either to exchange territory, or to purchase. A majority of the House were in favor of both. I was of that number. On the east side of the Mississippi there was territory to which Spain had an undoubted right; there was territory to which the United States had an undoubted right; and there was territory which Spain and the United States both claimed. On the west side of the Mississippi, the situation was the same. Each nation had an undoubted right to territory, and there was territory claimed by both. It was not to be supposed that Spain, while she held the territory to the east of the Perdido, would be disposed to relinquish the claim which she sets up to the country between the Perdido and Mississippi. It was necessary to purchase the territory to the east of the Perdido, to which Spain has an undoubted right, and after disposing of which, it would certainly be her interest to relinquish her claim between the Perdido and Mississippi, on obtaining an equivalent surrender on the part of the United States to claims west of the Mississippi. I see nothing dishonorable in this transaction, and really it appears to me that the difference between the majority and minority is narrowed down to this: The majority were in favor of militia. The minority of standing troops. The majority were in favor of exchange and of purchase. The minority in favor of exchange only.

On the importance of Florida to the United States, I shall not say anything. The foes to this measure have admitted its importance in the fullest extent, and their willingness to acquire it on fair and honorable terms. All their objections have been made not to the purchase but to the mode. It is said we have appropriated money not for the purchase of Florida, but to induce France to bully Spain out of her right.

On this subject, I have never had but one opinion. I have always believed, and I still believe, that the money will be fairly employed in purchasing Florida of the rightful owner. The gentleman from Virginia will do me the justice to recollect, that I held this language with closed doors. I hold it now in the presence of the people. That France may ultimately get the money is highly probable, and why? Has not the gentleman from Virginia told us the sovereignty of Spain is annihilated, that the powers of her Minister are signed Charles Maurice Talleyrand? But of what importance is it to us what becomes

of the money we pay Spain? Are we to become the guardians of Spain? Shall we not purchase a territory important to the United States, because Spain may be bullied or cheated out of the money she receives from us? If Spain is really in such a degraded state that she has no will of her own, has her conduct towards the United States been such, as to induce us not to avail ourselves of the situation in which we find her? For my own part, I care not what use Spain makes of the money paid to her for Florida. It is of no importance to me as a Representative, nor to the people. That the purchase will be fairly made of Spain, I have no doubt. The Government dare not employ it in any other way.

I shall vote for amending the Journal, by inserting the Message. I know, however, that this will not satisfy the gentlemen. They will next want the correspondence of our foreign Ministers, and this they know cannot be printed. I am willing, with these observations, to trust my conduct with those by whom I am elected. A Representative is not responsible for the wisdom of measures. All he is answerable for, is an honest exercise of his judgment. On the present, as on every other occasion, I am certain, I have honestly exercised for the public good, that understanding which God and nature bestowed on me.

Mr. J. RANDOLPH.—It is not my wish, Mr. Speaker, to trespass on the patience of the House. But I think it necessary to explain what I am sure the House have not well understood; for my positions have been grossly perverted, whether intentionally or not I will not undertake to say. Gentlemen opposed to us act a very strange and inconsistent part. They will not give credit to a private individual as to a conversation had with a head of department. I do not wish them. I only stated that conversation as a reason for saying that I had withdrawn my confidence. And will gentlemen say I am bound, when evidence has come to my private knowledge, which is sufficient to damn any man, to legislate on a principle of confidence? When I find misrepresentations made to the public and insinuations of the most despicable kind on this floor, I come out, and call on any man to deny what I have stated. They cannot—they dare not—for I take it for granted no man will declare in the face of the nation a wilful falsehood. But while gentlemen will not give credit to what has fallen from one individual, they have no hesitation in giving credit to an individual member for the whole course of the Government. My opinion is, that the Government knowing the caveat entered by Spain, and that Laussat was not authorized to receive the country from Spain, which they claim, and that France refused to deliver it by metes and boundaries—I say, my opinion is that the claim of Spain to the country between the Mississippi and the Perdido is a good claim; and I adduce this as one instance of misconduct on the part of the Government. But this is only an opinion of my own. The Government, on the contrary, lay claim to the country, and press their claim abroad. When the Executive say we have a right to the country, the question is, whether, when they have taken that ground, you will give them money to buy the country, or in other words, to buy peace? I say no. If, on the contrary, the Government had shown the validity of the claim of Spain, I should not, perhaps, have hesitated to give the money. I do not absolutely say that I should. While gentlemen say the opinion of an individual is not to be relied on, they justify the Government by that opinion, at the same time that the Government tell you their opinion is directly opposite. If the Government had acted on those principles, the case would be directly the reverse of what it is. But they decided that the country did belong to the United States, and they are bound to act on this principle, or magnanimously abandon it. I hope, therefore, hereafter, that gentlemen will justify the Government in its foreign relations on the principles avowed by it, and not on principles of a hostile nature.

In my opinion it is of the first importance that the Message should be published, from a material fact which took place in this House. A member in his place told you that the course recommended by a particular individual was consonant with the secret wishes of the Executive. I did then reprehend that language, as the most unconstitutional and reprehensible ever uttered on this floor. I did believe that the people of the United States possessed as free a constitution as the British people, and I had hoped more free; and I knew that such language had in the British Parliament been considered as reprehensible, and had brought forward a vote of indignation in that body. I allude to the case where the King's name was used for the purpose of throwing out Mr. Fox's India bill. I then reprobated this back-stairs' influence, this double dealing, the sending one Message for the journals and newspapers, and another in whispers to this House. I shall always reprobate such language, and consider it unworthy of any man holding a seat in this House. I had always before flattered myself that it would be a thousand years hence before our institutions would have given birth to these Charles Jenkinsons in politics. I did not expect them at this time of day, and I now declare it important, in my opinion, that the Message should be published, that the public may be enabled to compare the official, with the inofficial Message which decided the vote.

There is another reason for its publication. The gentleman from Pennsylvania has said there is no mention of France on the journals; and that we have no cause of complaint against France. I wish the publication of the Message to prove what causes of complaint we have against France. Let men of sense take a view of all the papers, and I am willing to abide the issue. It is said France has done us no injury—that the bubble is burst. We are told that this is a plain answer to all the speeches made on this floor. Permit me to say, the gentleman (Mr. EPPES) has given a plain answer to all the speeches delivered on this floor—it was impossible to have given a plainer answer to them. He says I will vote with you, but I will make a speech against you. Permit me to say, this is the first time I would not rather have had his vote than

his speech. After this speech there can be no doubt as to the issue of the question. I will go further—after the adjournment on Saturday there could be no doubt. Saturday, it seems, is an unfortunate day, on which no expedition is to be undertaken, no forlorn hope conducted.

The same gentleman has said that we pursued precisely the same course in 1803 as in 1806, and for obtaining the same object. He says the same course is now pursued—and yet he says he will not undertake to say the cases are not dissimilar. Put this and that together, and what do you make of it? The cases are decidedly dissimilar. In 1803 there was no existing misunderstanding between the American and French Governments with regard to our differences with Spain. Those differences had started up like a mushroom in the night. We made an appropriation to purchase the Floridas—to buy them—from whom? from their rightful owner. The circumstances would have been similar, if the United States had given money to France to compel Spain to form a treaty with us, then the national honor would have received a deadly wound. But there was nothing of this sort in the formation of the treaty then made. Spain, under the operation of causes, in which we had no agency, transferred Louisiana to France, and France transferred it to us. But this is not now the case. We are told that Spain is no longer an independent Power, but is under the control of France. What follows? That France is the aggressor on us, which proves every thing I have alleged.

There is another thing to be observed. The public have been given to understand that two millions have been appropriated for the purchase of the Floridas. This is not so—the appropriation is only *towards* doing something; but what that is, is not defined by law. Now if, in 1803, we appropriated two millions for the purchase of the Floridas, and did not get them, what security is there now that by making an appropriation in the same language we shall obtain them? Although the persons making the appropriation are not the same identical beings, those applying the sum appropriated are. I do not believe that we shall get the Floridas. In this I may be mistaken. I hope I shall be—for after having descended to prostitute the national character, let us at least receive the wages of iniquity.

But gentlemen inquire, will you become the guardians of Spain? This is a mistake which has run through every attempt at argument I have heard. We never professed to be the guardians of Spain. We professed to be the guardians of our own honor. We care not for France trampling on Spain. Let her pick her pockets for what we care; but if we instigate her to it, it is no longer a mere question between France and Spain, but a question in which our own honor is engaged, which is at once mortgaged and gone.

Until the gentleman from Virginia got up, I confess that, what with my exhausted state, the badness of the air, and the tenuity of the arguments of gentlemen—so excessively light that they at once vanished in thin air,—that I had not a word to say; for it is not to be supposed that I intended to reply to anything offered by the gentleman behind me. If I am to fall, let me fall in the face of day, and not be betrayed by a kiss—I mean no profane allusion. I shall do my duty as an honest man. I came here prepared to co-operate with the Government in all its measures. I told them so. But I soon found there was no choice left, and that to co-operate in them would be to destroy the national character. I found I might co-operate, or be an honest man—I have therefore opposed, and will oppose them. Is there an honest man disposed to be the go-between, and to carry down secret messages to this House? No—it is because men of character cannot be found to do this business, that agents must be got to carry things into effect which men of uncompromitted character will not soil their fingers or sully their characters with.

One word on the subject of voting on inofficial notice, on the representations of individuals, in the place of communications officially received from the officers of the Executive department. I have always considered the Executive in this country as standing in the same relation to the two Houses, that the minister or administrator bore to the legislature under governments similar to our own. I have always considered that the responsibility for public measures rested more particularly on them. For those measures they are answerable to the people—and to me it has been a subject of peculiar regret (I do not speak of the general character of the Constitution) that they have not a seat on this floor. For whatever may be supposed to be my feelings as to the members of the Administration, I am ashamed when I see their fame and characters committed to such hands as we are in the daily habit of witnessing. If their measures are susceptible of justification, I should like to have a justification at their own hands, instead of hearing Yazoo men defend them. Much less did I expect, on such an occasion, to hear a Yazoo man assigning his motives for a vote on a totally different subject and this in justification of a man with whom he is connected by ties of consanguinity. This reminds me of the intention imputed to me to bring forward an impeachment against a great officer of State. This, however, is so far from being the truth, that I appeal to those who heard me, whether I did not declare that I washed my hands of impeachments—that I was done with them. No—I will neither directly, nor indirectly, have anything to do with them. But I will, in all questions that shall come before this House, discuss the public character and conduct of any public agents, from a secretary to a constable; and I will continue to do it, until it shall be admitted by the Constitution, that the King can do no wrong. I say I wish the heads of departments had seats on this floor. Were this the case, to one of them I would immediately propound this question: Did you, or did you not, in your capacity of a public functionary, tell me, in my capacity of a public functionary, that France would not suffer Spain to settle her differences with us; that she wanted money, that we must

give her money, or take a Spanish or French war? And did not I answer, that I was neither for a war with Spain or France, but in favor of defending my country? I would put that question to him. I would put this question to another head of department: Was or was not an application made to you for money to be conveyed to Europe to carry on any species of diplomatic negotiation there? I would listen to his answer, and if he put his hand on his heart, and like a man of honor said no, I would believe him, though it would require a great stretch of credulity. I would call into my aid faith, not reason, and believe where I was not convinced. I would then turn to the First Magistrate of the nation, and say, did you not buy Louisiana of France? Has France acted in that transaction in a *bona fide* manner? Has she delivered into your possession the country you believed you had bought from her? Has she not equivocated, prevaricated, and played off Spain against you, with the view of extorting money? I will answer for the reply. There cannot be the smallest doubt about it. I will put the whole business on this issue. All the difficulty has arisen from that quarter.

Yes, the bubble has burst! It is immaterial to us whether you publish the President's Message or not. But it is material to others that you should; and, let me add, the public will not rest satisfied with the conduct of those, who profess to wish it published, while they vote against the publication. The public will not confide in such professions. Gentlemen may show their bunch of rods, may treat them as children and offer them sugar plums; but all will not avail them, so long as they refuse to call for the despatches of our Ministers, and other documents, which, if published, would fix a stain upon some men in the Government and high in office, which all the waters in the ocean would not wash out. Gentlemen may talk of our changing, and chopping about, and all that. What is the fact? We are what we profess to be—not courtiers, but republicans, acting on the broad principles we have heretofore professed—applying the same scale with which we measured John Adams to the Administration. Do gentlemen flinch from this, and pretend to be republicans? They cannot be republicans, unless they agree that it shall be measured to them, as they measured to others. But we are, perhaps, to be told that we have all become federalists—or that the federalists have become good republicans. This, however, is a chargè, which, I am convinced, the federalists will not be more anxious to repel, than we to be exonerated from. No, they will never become good republicans. They never did, they never will act with us. What has happened? They are in opposition from system, and we, *quo ad hoc*, as to this particular measure. Like men, who have ruffed it together, there is a kind of fellow-feeling between us. There is no doubt of it. But as to political principle, we are as much as ever opposed. There is a most excellent alkali by which to test our principles. The Yazoo business is the beginning and the end, the alpha and omega of our alphabet. With that our differences began and with that they will end, and I pray to God that the liberties of the people may not also end with them.

Mr. VARNUM.—I am not about to take up the time of the House by any discussion of the question before them, which has already been debated, three or four weeks ago, and principally occupied by the declamation of the gentleman from Virginia. I think it my duty, however, to give a short history of the circumstance from which has arisen the celebrated story of backstairs influence, Charles Jenkinson, &c. Gentlemen declared there was nothing in the Message of the President that justified the measure before the Committee, that it, on the contrary proved and pointed out as most proper the measure reported by the select committee. I did not believe that it pointed out that measure, or that there was any cause to believe that anything had occurred between the 3d and 6th of December, which could have induced the President to change the opinion he entertained, when he communicated the first message. In the Message of the 3d of December, he says—"Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session." No such occurrences had taken place between the 3d and the 6th of December. Taking this into view, and also taking into consideration what I considered to be the true meaning of the Message, I said that I would venture to assert as my opinion, that the measure of the appropriation was agreeable to the Executive; and that I formed this opinion from documents on the table. On this the gentleman from Virginia rose and commenced a violent attack similar to that we have witnessed to-day. I asked leave to explain. I did explain; and I now appeal to the House, whether I did not observe at that time, that the measure of the appropriation I considered to be agreeable to the wishes of the Executive, and whether I did not support this opinion from documents before you; and added, that if any other idea had escaped me, or could be attached to what I said, that this was my explanation, and that it was not my intention that what I had said should go farther than intimate this opinion, and that I did believe I had not said anything that could fairly be construed to have a different meaning. It is a fact, that it has been published in some papers to the Eastward, that Mr. Jefferson expressed to me his secret wish that a resolution should be brought forward contrary to his Message. I say this representation is contrary to fact. I say that Mr. Jefferson never mentioned any such thing to me; and if I had made such a statement, I should have wronged the First Magistrate. Why these observations are again brought forward at this time I do not pretend to say; but what I have stated are the facts connected with this business. I believe such an attack as this has never been made before, in the face of an explanation made at the time, which I did believe would have been satisfactory.

Mr. J. RANDOLPH.—When the veracity of a man is called in question it is a serious business. The gentleman from Massachusetts has appealed

to the House for the correctness of his statement. I too appeal to the House whether this was not his expression, when he undertook to explain away what he had said, for he did not deny it—that he would vouch that such were the secret wishes of the President; and whether I did not observe that his attempt to explain, was like Judge Chase attempting to draw back a prejudicated opinion in the case of Fries; that he might take back the words, but not the effect they had made on the assembly: that the Constitution knows only of two ways by which the Executive could influence the Legislature; the one by the recommendation of such measures as he deemed expedient, the other by a negative on our bills; and that the moment it was attempted to influence the House by whispers and private messages, its independence was gone. I stated the proneness of Legislative bodies to be governed by Executive influence, and in illustration referred to the Senate, who, from its association with the Executive and the length of time for which its members hold their seats, was necessarily made up of gaping expectants of office. And there can be no doubt of the fact. It must be so from the nature of things. Now, if it be necessary, let the House appoint a committee of inquiry to ascertain what the gentleman from Massachusetts did say, and let us see who can adduce the most witnesses and swear the hardest. No—the gentleman from Massachusetts had on that occasion so different a countenance, dress and address, that I could not now recognise him for the same man. He seemed thunderstruck—and to be in a state of stupefaction at his indiscretion. He appeared humbled in the presence of those who heard what he had said and beheld his countenance. His words were these—my life on it: "I will vouch that such are the secret wishes of the President—or the Executive"—I do not know which.

Mr. VARNUM.—I must deny that I made use of the words *vouch* or *secret*. I stated what I have declared. As to being thunderstruck, if that was the case, I was not aware of it. And as to being humbled, I have never felt humbled by any man. I have never felt or shall feel afraid at the face of any mortal man. I have been in the service of my country for many years, and I have never heard any argument but what I should be willing to meet, if it was not too indecent to require an answer—I have done my duty, and am not conscious of having injured any man.

Mr. JACKSON.—In consequence of the groundless and illiberal allusions which have been made to me, I have felt myself under the obligation of rising. I had hoped that an adjournment would have allowed me time to have examined the voluminous notes I have taken of the former remarks of the gentleman from Virginia, and to have presented to the people some criterion whereby to judge of their accuracy: But as I am thus called upon in such an illiberal manner, and the question is to be decided to-day—although not expecting to rise, and being totally unprepared, I have no choice left me. Sir, the assertion is untrue, that I have attempted to vindicate the character of the Secretary of State against the various charges exhibited by the gentleman from Virginia against him. I should have been deterred from such an attempt by many considerations. 1st. Because the even tenor of his well spent life is a complete answer and refutation of the malignant calumnies which disappointed ambition and prejudice have given rise to; and secondly, for the reason that the charge of indelicacy which had been urged against the remarks of my colleague, (Mr. EPPES,) from the relation in which he stood to the Executive, would apply with equal force to me. I never deemed such vindication necessary; however competent I might be to the task, I did not consider the conduct and character of the Secretary of State as requiring any support; they have made an impression on the American people, not to be erased by declamation unsupported by fact. In relation to the principal charge made against him, his having attempted to draw money from the Treasury without an appropriation by law, it is not true; no such attempt was made. I happened to see the Secretary of the Treasury near the door of this House, and asked him whether it was true that such an attempt was made, and he told me it was not; that it was proposed in the Executive cabinet before Congress met, to instruct our Minister to open a negotiation for the purchase of the Floridas, upon the supposition that Congress would appropriate the money when they met; but that he remarked it was not certain that Congress would make the appropriation, and he added that this proposition did not come from the Secretary of State, but from the President himself. This has been tortured by misrepresentation into an attempt to draw money out of the Treasury without the sanction of an appropriation by law. When the main charge against the Secretary of State is so destitute of truth and foundation—mark the expression, I say it is destitute of truth—it is not necessary that the other should be repelled, namely, that he told my colleague [Mr. RANDOLPH interrupted, "I am not the gentleman's colleague."] Very well, that he told JOHN RANDOLPH—[The SPEAKER said it was out of order to call gentlemen by name.] Sir, I know of no more appropriate appellation unless it is the descendant of Powhatan, whom he told that France would not permit Spain to settle her differences with us; that France wanted money, and if we did not give it we should have a Spanish and French war. Now admitting for argument, what I do not admit in fact, that the prejudiced mind of the gentleman was not controlled by a determination to misconstrue what he had heard; and that he was informed there was no doubt France would get the money, has he not said the same thing in effect? He repeatedly declared there is no Spain, no Pyrenees—that France would not permit Spain to settle her differences with us; and if the despatches of the Marquis Yrujo could be drawn from his private pocket, they would be found with the signature of C. M. Talleyrand—he has declared that it is evidence of political weakness to act on things as they ought to be, disregarding the knowledge of what they are. Well, if all this was known, that

Spain had placed herself under the protection and control of France, would it not have been preposterous to speak of Spain, as if she were totally independent of her ally? Would it not have been absurd to shut our eyes to the truth? But was it ever suggested by the Secretary of State? It has not even been urged on this floor, that it was—and I should not believe it if it were so urged, that we were to give this money to France to coerce Spain. The gentleman has declared that France can compel Spain to take such measures as she sees fit, and that it is dishonorable in us to take advantage of the humiliation of Spain. This is a complete vindication of the conduct of the Executive and of Congress in the measures they have taken to purchase this country, which is on all hands admitted to be so important to us; as it is surely more honorable to buy than to take it by force from its enfeebled miserable owner, incapable of protecting it. Although it has been decided to be out of order to disclose the secret communications, the gentleman from Virginia (Mr. J. RANDOLPH) has declared that France said if we gave Spain one blow, she would give us two or ten in return, and others have declared France threatened us with war. Sir, I assert there are no such facts contained in the secret despatches sent to us. I regret I cannot pursue the course in which other gentlemen have been indulged by stating what are the facts in contradiction of what they are declared to be; and though this should be a violation of order, it would perhaps be proper, as a disclosure has been provoked by gross misrepresentations, to repel them, and justify ourselves to the people by stating the information itself. I will, therefore, undertake to say that all the information we received from the documents on this point, was in answer to the inquiry, what their conduct would be, if we declared war against Spain, to which they replied they were compelled to take part with Spain. [There was a loud call to order by Mr. J. RANDOLPH and others.] Mr. J. continued: I shall always respect the calls to order from the Speaker and the House, but not from that person (J. RANDOLPH.) After some conversation relative to the point of order, Mr. J. proceeded—Sir, I wish to know whether it is in order for the gentleman from Virginia to affirm that France declared she would for every blow we gave Spain, give us two or ten in return? It is not in order for me to correct the misstatement, and it neither is in order to ask where was the vestal vigilance of the Speaker, when he (Mr. RANDOLPH) prostrated every rule of order and decorum. Mr. Speaker, I have said and I repeat it to-day, I should rejoice if all the secret communications could be made public, and not such parts only as the opposition wish; they would then afford to our constituents not a garbled but a complete view of our conflict, and they would then justly appreciate the assertion that France threatened us with war; and the charges of our giving money to conciliate France. But when we perceive in the Message of the President, a request that it should be kept secret, I much doubt the right of withdrawing the confidence thereby reposed in us at this time. If when the Messages were received we had determined not to hear them, and withhold their contents from public view, we should have returned them with their seals unbroken; but it is too late after getting them into our possession under the injunction of secrecy to divulge them without permission. I admit there are extreme cases in which we ought to communicate what we may confidentially acquire; cases involving the destruction of the Constitution itself; but this is not such a one. It may be likened to the case of an individual, who would be scouted as a dishonorable man, if when he received information in confidence, he afterwards, without permission from his informant, divulged it. This House I repeat it, did not vote for the appropriation under the idea that it was intended to make use of France to coerce Spain into any measure. On the contrary, instructions have been sent to our Minister resident at the Court of France, who is appointed Envoy Extraordinary to negotiate with the Court of Spain for the purchase of this country; the idea of coercion through the instrumentality of France was repelled by the gentleman himself; he declared that Bonaparte, with a revenue of 100 millions, besides what he could squeeze from his dear allies, would disdain to be bribed by a sum only equal to two weeks expenditures.—There can be nothing, therefore, exceptionable in the measure, and if the assertion made were correct, and our candid opinion was, that the money thus appropriated would ultimately go into the coffers of France, there would be nothing improper in it as far as we are concerned. France and Spain are connected together by a Treaty of Alliance, offensive and defensive. The one cannot go to war without involving the other. France would be compelled to take part with Spain unless she violated her faith to her; and I believe Bonaparte has never been charged with a want of faith to his allies; and this well accounts for the answer to our Minister, that they were bound to take part with Spain. Sir, this is national honor according to the British doctrines, and the gentleman will admit them. The Ministry frequently boasts in Parliament, that their continental allies will not forsake them, and that no separate treaty will be made, no settlement of differences nor arrangement of territorial limits will be entered into, without their approbation. There can, therefore, be nothing improper in Spain's consulting France in this business, which relates to the transfer of a domain as large as Spain itself; and if she pleases, giving France the price of the purchase. The proposition was for the purchase of a country all important to us. So important as to have received the sanction of this House in 1802, under a consideration that we must have it by conquest, or purchase at a fair price. It was determined to pursue a pacific course then—the character of the nation required it, not only at home but abroad. For if we had determined to make interest the rule of national right, and resorted to force, because our interest dictated it, the Powers of Europe, justly alarmed by a spirit of ambition and aggrandizement which threatened themselves and

their dependencies with destruction, would have made a common cause to crush us. The same course has been resolved on now, for the same wise reasons; and we determined to purchase such a part of the Floridas as did not belong to us; for it was acknowledged by the gentleman (Mr. R.) that we have not a foot east of the Iberville and the Lakes Maurepas and Pontchartrain. But admitting this point to be questionable, there was no impropriety in purchasing the territory acknowledged to belong to Spain, and settling the boundaries and extent of a doubtful right in the bargain. For my part, I have no doubt that the measure in every point of view in which it can be placed was recommended by the soundest policy and the best interests of the nation. But we were told amongst other strange assertions, that by this vote of money we have violated our neutrality, that a neutral nation can do nothing beneficial to a belligerent, and as money is the sinews of war, we cannot on any account supply it. Whether this is not advancing British pretensions under British influence, it is for the sober sense of the community to determine.

I consider the report of the select committee as the best justification of the opposition made to the measure it recommends, and the severest commentary upon the conclusions which are proposed to be drawn from it. It speaks of the "piratical depredations upon our commerce; of obstructing the navigation of the Mobile," and in the daring violation of our undisputed limits, &c. affording "ample cause for a formal declaration of war." Sir, the exactions of duty on the Mobile, will undoubtedly be continued so long as Spain holds the country; the right is not settled by the laws or usages of nations; and thus indeed the exported products of the finest regions of the United States may be subjected to duties, as well as those imported into it, and the travellers returning on the high road from New Orleans will, by engaging in broils with the Spanish subjects, eternally endanger the peace and tranquillity of the United States; so that, instead of war, sound policy clearly dictated a purchase. And what is the daring violation spoken of? A molehill converted into a mountain—gigantic names given to pigmy events. It is nothing more or less than the arrest of the Kempers. Is that "ample cause of war?" A few people headed by these men raised the standard of rebellion in the territory of Spain, from whence they fled within our limits, and were seized by our citizens, carried within the Spanish lines and there delivered to a Spanish party. And this is what is declared in the report to be an ample appearance of war. After urging that we are "too far removed from the powerful nations of the earth for our safety to be endangered by their hostility," that "peace must always be desirable so long as it is compatible with the honor and the interest of the community"—that "we are heavily burdened with debt"—and the best interests of the nation cry aloud for "peace—that when the debt is discharged, and not till then, may we bid defiance to the world"—that "the present moment is peculiarly auspicious for this great and desirable work"—that "now if ever the national debt is to be paid by reaping the rich harvest of neutrality," the report concludes with recommending a war measure—the raising a number of troops to "chastise Spanish inroad and insult." I should have been convinced had I voted for such a proposition, and for such reasons, that the people, as they formerly have, would withdraw their confidence and dismiss from office an Administration, fomenting national irritation, and adopting war measures for such miserable reasons, founded on such insignificant causes. I had another reason for opposing this standing army measure. I believed the militia of the United States were most grossly traduced by its friends—they were represented as inefficient, and not to be relied on. I believed, on the contrary, that they were equal to any emergencies that could arise, and would defend their country with more bravery than mere mercenaries. I feared that as in other countries so in this, this pretext might be made use of to get a standing army, the most potent engine in the hands of a despot, to enforce obedience to his will. And although cases may arise when it is necessary to raise armies—if it is recollected that the aggression most complained of was officially disavowed by the Spanish authorities, and satisfaction promised—this cannot be of that description.

A high officer of the Government has been charged with an unconstitutional attempt to draw money from the treasury without an appropriation by law; but, on the authority of the Secretary of the Treasury, I deny it. The charge therefore reverberates on its author, unless he justifies himself for making it. I will conclude my remarks by repeating what I commenced with declaring, that I did not mean, nor do I think it incumbent on any one, to vindicate the character of the Secretary of State. The charges have been reiterated from day to day, and his friends repeatedly challenged to come forward and justify him. But when the principal allegation is totally untrue, the others will and must be duly appreciated. Those who make mere assertion for fact will believe them, but the great mass of the people of this country will require more than individual assertion before they withdraw their confidence, and condemn the individual whose whole life has been devoted to the service of his country, and whose services are known and acknowledged by every liberal man—they will not consent to believe charges without the least proof.

The question was then taken by yeas and nays on the motion of Mr. J. RANDOLPH, "that the printed supplemental Journal of secret proceedings be amended, by inserting after the word 'read,' in the third line of the first page, the Message of the President of the United States of the 6th of December last, and that a new edition of the said journal, thus amended, be printed for the use of the members"; and decided in the negative—yeas 44, nays 74, as follows:

YEAS—Burwell Bassett, George M. Bedinger, Silas Betton, George W. Campbell, Martin Chittenden, Christopher Clark, Joseph Clay, Samuel W. Dana, John Davenport, junior, John Dawson, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett,

Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, James Kelly, Joseph Lewis, junior, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, junior, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, Samuel Smith, Thomas Spalding, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, and Alexander Wilson.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, William Blackledge, John Blake, junior, Thomas Blount, Robert Brown, William Butler, John Chandler, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, John G. Jackson, Walter Jones, Thomas Kenan, John Lambert, Michael Leib, Matthew Lyon, Duncan McFarland, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, junior, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Henry Southard, Richard Sandford, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Richard Winn, and Joseph Winston.

[NOTE.—On a subsequent day Mr. JACKSON made the following explanation: He observed that he had been misunderstood in the remarks he had made in relation to the conversation had with Mr. GALLATIN, or in the warmth of his feelings had expressed himself differently from his intentions. He did not mean to be understood as repeating the words of Mr. G. when he said the charge of attempting to draw money from the Treasury was not true, but as stating the inference he drew from the expressions of that gentleman, for which he, Mr. J., held himself responsible. Indeed, he wished to be understood throughout as repeating the substance of the conversation only. Nor did he mean to be understood that Mr. G. had given a license or authority to him to repeat the conversation. He asked Mr. G., as a public man, respecting the charge, and received the answer as such—he therefore was authorized to repeat it.]

A message from the Senate informed the House that the Senate do not agree to the appointment of a committee to confer with the committee of this House on the time that the two Houses of Congress ought to adjourn.

TUESDAY, April 8.

The House resolved itself into a Committee of the Whole, on the bill for establishing trading-houses with the Indian tribes. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

On motion of Mr. EARLY,

"*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to adjourn their respective Houses on Wednesday, the sixteenth of April instant."

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House resolved itself into a Committee of the Whole on the amendments proposed by the Senate to the bill, entitled "An act to continue in force an act, entitled 'An act to authorize the Secretary of War to issue land warrants, and for other purposes;" and, after some time spent therein, the Committee rose, and reported to the House their agreement to the same, without amendment.

On the question that the House do agree with the Committee of the Whole in their agreement to the said amendments, it was resolved in the affirmative.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, to whom were referred on Saturday last, the amendments proposed by the Senate to the bill, entitled "An act to repeal the act to authorize the receipt of evidences of the public debt in payment for lands of the United States, and for other purposes relative to the public debt," reported to the House their agreement to the same, with several amendments.

The House proceeded to consider the said amendments of the Senate: Whereupon,

Resolved, That this House do agree to the first, second, and third of the said amendments; and do agree to the fourth of the said amendments, with an amendment.

Resolved, That this House do disagree to the fifth and last of the said amendments, and do desire a conference with the Senate on the subject-matter of the said amendment; and that Messrs. JOHN RANDOLPH, QUINCY, and JOSEPH CLAY, be appointed managers at the said conference, on the part of this House.

Ordered, That the Committee on the Public Lands be discharged from the further consideration of the petition of the Legislative Council and House of Representatives of the Indiana Territory, referred to them on the thirteenth of February last; and that the said petition be referred to the Committee of the Whole to whom is committed the bill respecting claims to land in the Indiana Territory, and State of Ohio.

Ordered, That the Committee on the Public Lands be discharged from the further consideration of the petitions of sundry inhabitants of Washington county, in the Mississippi Territory, referred to them on the twenty-fourth day of January last; and that the said petitions be referred to the Committee of the Whole to whom is committed the bill in addition to an act, entitled "An act regulating the grants of land, and providing

for the disposal of the lands of the United States south of the State of Tennessee."

On motion of Mr. John Randolph, that the letter addressed to the Secretary of War, on the twenty-second of December last, by the chairman of the committee to whom was referred the Message of the President of the United States, of the sixth of December last, together with the answer of the said Secretary thereto, of the twenty-fourth of the same month, be printed for the use of the members, and that the said letters be inserted in the printed Journal of secret proceedings.

The question was taken on the said motion, and passed in the negative.

On motion of Mr. Jackson,

Resolved, That the Secretary of the Treasury be requested to communicate to this House any information which he may possess in relation to an application said to have been made to draw money from the Treasury for the purchase of the Floridas, before an appropriation made by law, for that purpose.

The House resolved itself into a Committee of the Whole, on the bill in addition to an act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee." The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to suspend the sale of certain lands in the State of Ohio, and the Indiana Territory;" to which they desire the concurrence of this House.

The said bill was read twice, and committed to the Committee of the Whole to whom is referred the report of the Committee of Ways and Means, made on the twenty-second ultimo, on the petition of sundry purchasers of public lands in the State of Ohio, and in the Indiana Territory.

The House proceeded to consider the amendments reported from the Committee of the whole House on Friday last, to the bill to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage;" and the same being severally twice read, were, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

Wednesday, April 9.

Mr. John C. Smith, from the Committee of Claims, to whom was referred, on the seventeenth ultimo, a letter from William Eaton, late Consul of the United States at Tunis, addressed to the Speaker, made a report thereon; which was read and considered: Whereupon,

Resolved, That the proper accounting officers be authorized and directed to liquidate and settle the accounts subsisting between the United States and William Eaton, late Consul at Tunis, upon just and equitable principles, under the direction of the Secretary of State.

Ordered, That a bill, or bills, be brought in, pursuant to the said resolution; and that the Committee of Claims do prepare and bring in the same.

Mr. John C. Smith, from the Committee of Claims, presented a bill authorizing the settlement of accounts between the United States and William Eaton; which was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have agreed to the conference desired by this House on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for lands of the United States, and for other purposes relative to the public debt; and have appointed managers at the said conference, on their part.

An engrossed bill for establishing trading-houses with the Indian tribes, was read the third time, and passed.

An engrossed bill to amend, in the cases therein mentioned, the act to regulate the collection of duties on imports and tonnage, was read the third time, and passed.

An engrossed bill in addition to an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," was read the third time, and passed.

The Speaker laid before the House a letter from Joseph Hopper Nicholson, Esq., one of the members from the State of Maryland, containing the resignation of his seat in this House; which was read and ordered to lie on the table.

TENNESSEE LANDS.

The House resolved itself into a Committee of the Whole, on the bill to authorize the State of Tennessee to issue grants, and perfect titles to certain lands therein described; and to settle the claims to the vacant and unappropriated lands within the same.

Mr. Blount moved to strike out the first section.

This motion was supported by Mr. Blount; and opposed by Messrs. Gregg, Alston, G. W. Campbell, Rhea of Tennessee. and Pitkin.

Messrs. Bedinger, Blackledge, and Alexander, spoke against the provisions of the bill generally.

The question was then taken on striking out the first section, and passed in the negative without a division.

Various amendments were offered, some of which were agreed to, and others disagreed to, after considerable debate.

Mr. Blackledge moved a new section, declaring that this act shall not take effect until the Legislature of North Carolina shall give their assent thereto.

This motion was supported by Messrs. BLOUNT, MACON, and ALEXANDER, and opposed by Messrs. GREGG, and G. W. CAMPBELL, and disagreed to—ayes 22.

The Committee then rose, and reported the bill with sundry amendments; when the House adjourned.

THURSDAY, April 10.

On motion of Mr. McCREERY,

Resolved, That the Speaker be requested to inform the Executive of the State of Maryland, of the resignation of JOSEPH H. NICHOLSON, one of the Representatives from that State.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate and fix the compensation of clerks, and for other purposes;" to which they desire the concurrence of this House.

TENNESSEE LANDS.

The House took into consideration the amendments of the Committee of the Whole to the bill authorizing the State of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle the claims to the unappropriated land within the same.

These amendments having been agreed to, Mr. BLACKLEDGE offered a new section:

"That this act shall not take effect until the Legislature of North Carolina shall pass an act giving their assent thereto."

In support of this motion, Mr. B. spoke at considerable length, to show that the bill would be an infringement of the compact between the United States and North Carolina, without this provision.

The adoption of this section was also supported by Messrs. BLOUNT and ALEXANDER; and opposed by Messrs. J. C. SMITH and ALSTON.

The yeas and nays being required on it, were—yeas 21, nays 78, as follows:

YEAS—Evan Alexander, George M. Bedinger, William Blackledge, Thomas Blount, John Claiborne, Jacob Crowninshield, James Elliot, David Holmes, Thos. Kenan, Duncan MacFarland, Jeremiah Morrow, John Morrow, John Randolph, Thomas Sandford, John Smith, Thomas Spalding, Richard Stanford, Abram Trigg, David R. Williams, Marmaduke Williams, and Joseph Winston.

NAYS—Willis Alston, junior, David Bard, Joseph Barker, Silas Betton, Barnabas Bidwell, John Blake, junior, Robert Brown, William Butler, George W. Campbell, Levi Casey, John Chandler, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Elias Earle, Peter Early, Caleb Ellis, Ebenezer Elmer, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Hough, John G. Jackson, Walter Jones, Michael Leib, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jonathan O. Mosely, Gurdon S. Mumford, Roger Nelson, Timothy Pitkin, junior, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, Samuel Smith, Henry Southard, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Alexander Wilson, and Richard Winn.

Mr. ALSTON then moved the following proviso:

"*Provided, nevertheless*, That nothing in this act contained shall be so construed as to impair the provisions of the act of North Carolina, ceding to the United States certain western lands."

This motion was disagreed to—ayes 34; when the bill was ordered to a third reading to-morrow.

NAVY APPROPRIATIONS.

The House resolved itself into a Committee of the Whole, on the bill making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and six.

The bill was read by sections.

The CHAIRMAN having read that part of the bill which makes an appropriation "for repair of vessels, store rent, pay of armorers, freight, and other contingent expenses."*

Mr. J. RANDOLPH moved to fill the blank with $411,950.

Mr. D. R. WILLIAMS moved to strike out the words "and other contingent expenses." He said he made this motion with a view of ascertaining for what objects these contingent expenses were intended to provide. He would ask the chairman of the Committee of Ways and Means for information on this point. He believed the sum contemplated to be appropriated unnecessarily large.

Mr. J. RANDOLPH said the gentleman had asked for information which it was not in his power to give. He was as much in the dark as the gentleman as to the items of contingent expenditure; and he should not have moved to fill this blank with so large a sum, but from the conviction that whether they provided the money or not, it would be spent, and an additional appropriation be made the next session. Mr. R. said he viewed an appropriation bill, under present circumstances, a mere matter of form; he believed also all the items of appropriation might as well be lumped

*The item for contingent expenses of the Navy, comprises commissions to agents to foreign countries and in the United States, officers' travelling expenses, expense of conveying seamen from one port to another, as for instance where seamen are entered in Philadelphia or Baltimore to join a vessel fitting out at Washington, the expense of nautical instruments, such as compasses, quadrants, spy-glasses, &c., charts, books, models, drawings, signals, lanterns, oil, candles, clamps, fuel, hammocks, trumpets, glass, cisterns, cases, mess kids, axes, gridirons, tea kettles, galleys, shovels, tongs, charcoal, sulphur, saltpetre, fire engines, fire buckets, bread bags, and an infinite variety of other such articles, not expressly provided by law.

together, and it might be declared that a million of dollars were appropriated. Had he been governed by his own opinion, instead of the forms which had been observed, he would have been in favor of draughting the bill in this way, for this reason. If the expenditures of the Navy exceeded this sum by $600,000 there was no doubt the next Congress would make good the deficiency without any inquiry. He believed this, as what had taken place once might take place again.

Mr. R. said he had addressed a note to the head of the department, stating that on such a day the Committee of Ways and Means wished the appropriation bill to be taken up, and expressing a desire that he would give them information of the items of contingent expenditure, as they consider the sum required unnecessarily large. He had received an answer to this effect—the Secretary said he did not think the sum too large, without entering into any explanation. Mr. R. added, gentlemen may fill the blank as they please; it will be no check on the expenditure.

The Committee divided on agreeing to the sum named by Mr. Randolph—ayes 46, noes 37.

Mr. D. R. Williams moved to strike out "and other contingent expenses." He had before said that he had been impelled to make this motion from a sense of duty. This impression had been strengthened by the statement of the Chairman of the Committee of Ways and Means. He could not think it proper to make an appropriation to so large an amount, when the proper organ of the House had without success required information from the head of the deparment, from whom he had only received a mere opinion. He hoped the Committee would agree to strike out this general appropriation, that all the items of contingent expenditure might be stated to the House, and thereby form some check on the expenditure.

Mr. Leib said he perceived in another part of the bill other mention made of contingent expenses. He would be glad to know what they were. The House ought to know the various items, or otherwise make a general provision for contingent expenses, and leave it to the head of the department to apply the money as he pleases.

Mr. Dana said the first contingent appropriation was for the navy, the second for the marine corps. If striking out the proposed words would enable the Committee to obtain the information sought, he should vote for the motion. He had no objection to voting liberally for a navy; but he thought the Legislature ought to be well informed, as they would otherwise scarcely discharge their duty to their constituents.

The motion of Mr. Williams, to strike out "and other contingent expenses," was disagreed to—ayes 32.

Mr. J. Randolph moved to strike out that part of the bill making an appropriation "for completing the marine barracks at the city of Washington." Mr. R. said this object appeared to require a standing appropriation; and, though the building was finite, the appropriation appeared to be infinite.

Motion agreed to—ayes 66.

The Committee rose and reported the bill. The House having taken the report of the Committee into consideration,

Mr. D. R. Williams called for the reading of a document, stating the annual expenditures on the Navy, by which it appeared that the expenditures had been as follows:

For 1798	- - - - -	$570,314 24
1799	- - - - -	2,848,187 26
1800	- - - - -	3,385,340 48
1801	- - - - -	2,117,420 74
1802	- - - - -	946,213 24
1803	- - - - -	1,107,925 32
1804	- - - - -	1,246,502 74
1805	- - - - -	1,409,949 67
Total	- - -	13,631,853 00

Mr. D. R. W. renewed his motion to strike out "and other contingent expenses." He thought the House ought, under existing circumstances, to show a disposition to economise, and to curtail the expenses of the Navy. What is the necessity for this expenditure? Why, the Constitution is in the mud, and the President on her beam ends! Thirteen millions and a half have been already expended, and it is now proposed to add $411,000 for contingent expenses. In making this motion I have no object but to confine the Navy Department to proper expenses; but let them first state what they are.

The Speaker observed that this motion could not be received until the amendments of the Committee had been acted upon.

Mr. D. R. Williams moved to strike out "for ordnance $50,000."* He did not perceive the use of this appropriation. No gentlemen accustomed to travel, but must have seen the unprotected state of the ordnance; look at the Turk's house, you will there see it lying exposed. To his knowledge it was in many other instances in the same situation.

This motion was lost—ayes 33.

The amendment of the Committee to fill the blank with "$50,000," was agreed to, without a division.

Mr. Eppes offered a proviso declaring that a larger sum than $30,000 shall not be expended on the repairs of any one frigate.

Mr. J. Randolph.—I shall vote against this motion on the same principle that I voted to fill the blank relative to contingent expenses, with $411,000. If we cannot restrain the expenditures of the Navy Department within the sum annually fixed, after giving as much as is asked for, is it not the idlest thing to attempt to restrain them by giving less? The principle on which I voted for filling that blank was this: To give to the

* The item for ordnance comprises cannon, carronades, swivels, blunderbusses, muskets, pistols, swords, boarding-pikes, cutlasses, cannon ball of every description, musket and pistol ball, cannon, musket, pistol and priming powder, powder horns, priming horns, flannel and paper cartridges, cartridge boxes, slow match, lint stocks, worms, rammers, sponges, wads, gun-locks, screw-drivers, flints, cartridge thread, &c.

Navy Department what it asks, that if, at the end of the year, more shall be expended, the blame may fall on the shoulders of the Secretary, and not on us. The sum appropriated for contingent expenses amounts to $411,000; this is not the half, but it is more than a third of the whole sum appropriated, and it may be expended on repairs or any other item of contingent expenditure. It is enormous. But withhold the appropriation, and where are you? The expense may be incurred, and the Government called on to make good the deficiency; and there the business will end.

With regard to the sum requisite for the repair of a frigate, her situation between this and the next year cannot be foreseen. The Secretary may have estimated $30,000 as sufficient to repair any one frigate as they now stand; but they may be placed in such a condition as to require a much larger sum. But I am against the amendment, said Mr. R., not only for these, but for other reasons. I will never consent to legislate in such a way as to make it appear that we did legislate intelligently, when in fact we do not. If I can be satisfied that $30,000 will be sufficient for the repair of a frigate, I may be induced to vote for it. But even this would be unnecessary. For, after all, the business must be confided to the Head of the Department; and he will be a better judge of the sum required for the repair of a vessel than we are. If he cannot be trusted, we ought, in my opinion, either to refuse the appropriation altogether, or take a very different step from that now proposed. For these reasons I am unwilling to appear to act understandingly on a subject which I know nothing about.

Mr. EPPES.—When I made this motion, it was under the impression that what is correct in private, is also correct in public conduct. We know that, when a vessel owned by a merchant gets in a certain state, it is more advisable to sell than to repair her. I do not know whether I have fixed the proper sum. All I wish to try is, whether the United States are disposed to repair at all events their frigates, whatever their state may be, or limit the sum, after expending which they shall be abandoned. I confess, however, that I am not anxious on this point. I merely wish to try the sense of the House.

On agreeing to Mr. E.'s motion, the House divided—ayes 38, noes 57.

Mr. D. R. WILLIAMS.—The curtailing Navy expenses may be unpopular, but I conceive it to be right. For that purpose I will renew the motion I offered in committee. I am of opinion that all the expenditures of this department should pass in review before the House. When I first came to Washington, I went to the navy yard. I there saw an elegant building going on. I inquired under what appropriation this was authorized, and was answered, under the appropriation for contingent expenses. I remarked other expenditures, and received the same information. These expenditures may be all proper; but I think that every gentleman on this floor ought to be enabled to tell his constituents how the public money is expended. Talk to them of contingencies, and they will understand as little of the term as of land in the moon. Mr. W. concluded by moving to strike out "and other contingent expenses," and calling the yeas and nays.

Mr. ALEXANDER was against the motion, as an agreement to it would not lead to the obtaining any further information, and as he was convinced it was impossible to specify every item of expenditure.

Mr. FISK was of opinion, that it would be best to agree to the motion as the means of obtaining a detailed estimate. His confidence in the Head of the Department was not diminished; but it was their duty to be fully informed on whatever respected the expenditure of public money.

Mr. SMILIE said, that no gentleman would censure him for attachment to the Navy. He never had been, nor was he now attached to a Navy. But the situation in which they were placed was well known. If there was time, he should be glad to have every item of expenditure produced by the proper officer, that they might know how to act. He was fully aware that, in the Navy Department, it was more difficult to anticipate the expenses than in any other. Though, therefore, he was no friend to a Navy, as it had not been thought proper to abandon the establishment, he considered it right to make such grants as were necessary for its support. If it was early in the session, or if he thought it possible to get the information, he should vote for calling for it. But as they were reduced to the necessity of saying at once whether they would, or would not support the Navy, he should be in favor of making this grant.

Mr. ELMER did not see the least good which could result from the motion. If it would prevent an unnecessary expenditure of the public money, he would vote for it. But the nature of the service was such as rendered it impossible to foresee, or provide with precision for expenses which might become necessary.

Mr. J. RANDOLPH said, it had been stated by the gentleman from Pennsylvania, that it was too late to get this information. The gentleman was mistaken. Any information could be had now which could have been got three months ago. Mr. R. then moved that the further consideration of the subject should be postponed until the next day, that gentleman, who said they wanted information might obtain it by a vote of the House.

The SPEAKER pronounced this motion not to be in order, as the Clerk had previously commenced the call of the yeas and nays.

The yeas and nays having been taken on Mr. D. R. WILLIAMS's motion, were—yeas 25, nays 86, as follows:

YEAS—Burwell Bassett, Christopher Clark, Joseph Clay, Matthew Clay, Leonard Covington, Ezra Darby, Peter Early, James Fisk, James M. Garnett, Edwin Gray, Michael Leib, Duncan MacFarland, Patrick Magruder, Josiah Masters, Gideon Olin, Thomas Sammons, Martin G. Schuneman, Henry Southard, Richard Stanford, Benjamin Tallmadge, Philip R. Thomp-

son, Abram Trigg, David R. Williams, Alexander Wilson, and Joseph Winston.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, jun., Thomas Blount, Wm. Butler, George W. Campbell, Levi Casey, John Chandler, John Claiborne, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, jun., John Dawson, William Dickson, Elias Earle, James Elliott, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, Chas. Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, John G. Jackson, Walter Jones, Thomas Kenan, John Lambert, Matthew Lyon, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Timothy Pitkin, jun., John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Ebenezer Seaver, John Smilie, John C. Smith, John Smith, Samuel Smith, Thomas Spalding, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Richard Winn.

Mr. D. R. WILLIAMS moved to recommit the bill to a Committee of the Whole, with the view of obtaining information from the Secretary of the Navy before it was definitively acted on.

The motion was disagreed to—ayes 41, noes 56; when the bill was ordered to be engrossed for a third reading without a division.

Mr. JACKSON hoped it would not be read a third time until Saturday, that information might be previously obtained from the Head of the Department. If it should not be then obtained, he would be the foremost in voting for a recommitment.

Mr. R. NELSON hoped it would be read tomorrow. The bill had been delayed much longer than was usual, and great inconveniences had been experienced from the delay which had attended it. Should the third reading be delayed till Saturday, it might be late in the session before it was conclusively acted on. The other House might take time to discuss its provisions. As all gentlemen were anxious speedily to close the session, he hoped it would be read a third time tomorrow. I should coincide with the gentleman from Virginia in the course proper to be pursued, if I thought we could by a delay of a few days get any important information. But I have been told, and I cannot doubt it, that it would take an immense length of time for the clerks to make out a complete statement of the contingent expenses of the last year. I have been told that it would take months, even with the aid of additional clerks. I have been told so by a gentleman whose veracity I cannot doubt, and whose knowledge on this point must be correct. Putting off then this bill to Saturday cannot be the means of giving us any correct information not already in our possession. If I thought otherwise I would willingly wait till Saturday. But when I reflect on the facts I have stated, and see that it is impossible to get this detailed information in any reasonable time, I think it best, in this instance, to do, as we have done heretofore—to vote on the information of the Head of the Department.

Mr. J. RANDOLPH said he felt himself called upon to reply to a remark made by the gentleman who had just sat down, who had said that, from some cause or other, this bill had been unusually delayed. He would tell the gentleman one cause of this delay. This very item of appropriation, which the gentleman had just agreed to, was part of the cause. But he wished it, at the same time, to be distinctly understood, that there was no disposition in the Committee of Ways and Means to delay this bill. It was long since reported to the House, and he had before called for taking it up. The committee had never received any intimation from the Head of the Department, stating the passage of the bill to be a matter of urgency; which had heretofore been common in case a department required an early appropriation of money. Had, then, the Committee of Ways and Means any right to suppose, after having voted $600,000 in addition to the appropriation for the last year, that this department could not wait until the other departments had been served. The truth was, that the civil list appropriation had been the only one unnecessarily delayed, and that delay had not arisen in this House. Had they heard any complaints relative to the War Department? Had it made a demand of sixty or seventy per cent. on the regular appropriations, while this department was swallowing up money faster than they could provide it? He had heard it insinuated out of doors that there existed a disposition to distress this department. If there had been such a disposition, was it not in the power of any member to call up the bill? He appealed to the gentleman from Pennsylvania if he had not asked him to call it up in his absence, and if he had not replied, that he would as soon as he could get the floor.

Mr. R. NELSON said the gentleman from Virginia had grossly misunderstood him. When he said that this bill had been unusually delayed, he had had no disposition to insinuate that it had been designedly delayed, nor had he meant any reflection on the Committee of Ways and Means, or on the gentleman from Virginia.

Mr. D. R. WILLIAMS said his object was to get information. He hoped the demand of the House to give the general items would be complied with. He wanted no details; all he wished was a statement of general items.

Mr. R. NELSON remarked that such a statement could be of no use. The contingent fund of the Navy embraced articles, the extent of which could not be calculated with any precision—it could only be founded on past expenditures—it was known that the last year there was an expenditure of $600,000 beyond the sum appropriated. The whole expenses of the Navy could not be cal-

culated at the beginning of the year with certainty, particularly when our affairs were unsettled in the Mediterranean. During the last year, three hundred of our captive seamen had been liberated, and to each seaman arrearage wages had been paid to the amount of four or five hundred dollars. In consequence of this and other circumstances, he presumed that neither the Secretary of the Navy, nor any other mortal man, could have known the expenditure at the beginning of the year. He did not pretend to say that there was all the economy in the Navy that should be; but if they got any information, it could only be a statement of what had been laid out in particular years.

Mr. J. RANDOLPH said he would state a fact, to enable gentlemen to ascertain whether there had been any extraordinary delay on this occasion. Such an insinuation had been thrown out, and this was the place any insinuation of this kind ought to be made and met, and not at the firesides or in the newspapers. By recurrence to the journals, it would appear that, in the first year he had had a seat in the House, the act making an appropriation for the Navy had been passed, on the 10th of May; and that, in the first year he had had the honor of being on the Committee of Ways and Means, the bill making appropriations for the Navy had passed on the 1st of May. He said he had not had time to turn to the Journal of other sessions. But the truth was, a spendthrift never could be supplied with money fast enough to anticipate his wants.

The motion to read the bill a third time on Saturday was carried—ayes 55, when the following motion, made by Mr. D. R. WILLIAMS, was agreed to without a division:

Resolved, That the Secretary of the Navy be directed to lay before this House an estimate of the respective sums necessary to be appropriated for repair of vessels, store rent, pay of armorers, freight, and contingent expenses of the Navy for the year 1806.

PLURALITY OF OFFICES.

The House resolved itself into a Committee of the Whole on the bill to prohibit officers of the Army or Navy from holding or exercising any civil office.

The bill, having been read, was reported to the House without amendment.

Mr. N. WILLIAMS observed that when this bill was first read he had remarked that he thought it contained a principle not to be found in the resolution on which it was predicated—a principle, which appeared to him to be new; which would, if adopted, prove extremely pernicious, and which went to the removal of an officer in the enjoyment of an office Constitutionally holden by him. It did not belong to the Legislature to give to any law a retrospective operation, or that would affect officers in the enjoyment of their Constitutional privileges. If they did so they would assume the right of removing an officer from his office. The bill, therefore, as it stood, struck him as altogether unconstitutional. The Legislature was not the proper department for the exercise of this power. The Constitution had provided a particular mode in which officers could be removed from office; and the Legislature had no power to over-rule this provision. It may be said that we are only making a regulation that officers of a certain description shall not hold another office. Mr. WILLIAMS said he agreed to the correctness of this principle; but in the present instance, they were assuming a power which the Constitution did not give. He, therefore, hoped that gentlemen favorable to this principle would so amend the bill as to remove the objection he had stated. If it should be so amended as to confine its operation to all future appointments, he should have no objection to it. But if it were to affect existing officers constitutionally enjoying their offices, he considered it dangerous and should vote against it. Not having the bill before him, he could not state what amendment would be satisfactory to him. He therefore moved that the bill should be printed.

Mr. J. CLAY said the bill was very short, and contained no new principles whatever. This was an age of discoveries, and the gentleman from New York has discovered that the bill to "prohibit officers of the Army and Navy from holding or exercising any civil office," is at war with the resolution which declares "that provision ought to be made, by law, to render any officer in the Army and Navy of the United States incapable of holding any office under the United States."

This is really a discovery, said Mr. C.; and how the gentleman can vote for the one and not for the other, is a most extraordinary thing. But the gentleman has doubtless made a Constitutional discovery—that when a man holds an office the office cannot be destroyed. But had not officers under the excise law been destroyed, and have they not been removed by the abolition of their offices? And have not the commissions of the judges been revoked? And I see nothing which shall prevent us from saying the Governor of Louisiana or Indiana Territory shall not be a military officer. As to printing the bill, as it consists of but three or four lines, I can see no occasion for it whatever.

Mr. J. RANDOLPH said the gentleman from New York, notwithstanding his extraordinary modesty, had certainly made a great discovery, viz: that, passing a general law, which is a general rule, is similar to legislating on a particular case; that a law declaring that certain officers shall be appointed for four years, is equivalent to A, B, and C being turned out at the end of four years. The bill, Mr. R. said, was strictly conformable to the resolution—there was no difference between them, however the gentleman might be for throwing an anchor to windward to claw off a lee shore. Are we about to say that A, or B, holding a military office, shall be removed from the civil offices they now hold? No—we are merely saying they shall not be both held by the same person, which is surely a legislative act. If we violate the Constitution and trench on the prerogatives of the Executive, has not the Constitution armed the Executive with a power to defend itself? If we pass such a bill, will not the Executive return it to

us, if it be not previously arrested in the other House? Are we a Legislative body, with the power of binding by our acts the whole Government, or a mere Chamber to register edicts and pass supplies? I had always supposed that we were a Legislative body, and I had hoped an independent Legislature. If we are, we have a right to prescribe rules for the government both of the Executive and the Judiciary; for, be it remembered, that before a bill becomes obligatory, it is necessary to have the assent of the other branches. But, on the construction we have heard, I ask the gentleman why we have not the same right to declare a man after a certain day shall not exercise both a civil and military office, as to say that no military officer shall hereafter be appointed to a civil office? The gentleman's ideas will apply to one case as well as the other. If, however, gentlemen choose to vote out the bill, they will do as they please. It will be extremely easy for them to find a pretext; but they will not be able to assign reasons to influence the vote of any man possessed of a clear head and a sound conscience.

Mr. R. Nelson said he had voted against the resolution on which this bill was bottomed, because he thought it had a squinting at a particular case, and because he thought they had no right to pass such a law. It was a sound doctrine that the laws of the land ought to be general, and that they ought not, under the cover of a general law, to provide for a particular case. Mr. N. said he should not have supposed that this was the case in this instance, had not some of the advocates of the bill mentioned the man against whom it was intended to operate. He had another reason against the measure. He thought they had no Constitutional right to pass such a law. As the case of the Governor of Louisiana had been mentioned, he would likewise notice it. He would ask whether the Governor of Louisiana held his office of Governor under a law of the United States or under the Constitution? If he held it under a law, he wished gentlemen to point it out. He believed, however, there was no such law; but that he held his office under the general provisions of the Constitution. If he were correct in this opinion, he would ask whether it was competent to Congress to alter the tenure by which the office was held without first altering the Constitution. If, under the Constitution, the President had a right to appoint a military officer Governor of Louisiana, he would ask whether they had the power by law of abridging this right? He apprehended not, as it required as great a power to undo as to create a Constitutional provision. The case had been likened to the case of an excise officer. But the excise offices were held under a law, and it was only necessary to repeal the law to abolish the office. So with regard to the judges. When the law establishing them was repealed they fell with it. But is this a similar case? Are we about to repeal a law? No. We are about making a law, the effect of which is to drive a man from an office which he now holds under the Constitution. Mr. N. said these were the principal reasons which induced him to vote against the bill as well as the resolution.

Mr. Smilie hoped the bill would be printed. It certainly contained a principle which it was their duty carefully to examine before they adopted it. He would confine his remarks to one point—the Constitutional principle implicated in the bill. If it provided that after a certain day no appointment shonld be made of a military man to a civil office, the case would be different. But it declares that after a certain day no man shall hold both a civil and military office. The cases which had been mentioned were not analogous. The removal of officers by disbanding the army, and that of the judges, had been mentioned. What were these cases? In both instances a law had been passed abolishing the establishment of which they formed a part. Was that the case here? No. On the contrary they were about to pass a law removing a man from office, without abolishing the office. Could any gentleman show any power possessed by Congress of removing a man from office without abolishing it? Mr. S. said he should adhere to the Constitution in good as well as bad times, and deeming this measure a direct violation of it he should vote against it.

Mr. Clark said the gentleman from Maryland had declared the officer alluded to, a Constitutional officer, created by the Constitution, and not by law. He wished the Territorial law might be read.

Mr. R. Nelson replied that he had said no such thing. He knew full well that there was a law for the appointment of a Governor of Louisiana. If they wished to get rid of the man, they should repeal that law. He had said that the appointment was under the Constitution, which being Constitutionally made, there was no power in the Legislature to remove him.

Mr. J. Clay said the objections raised by gentlemen to this bill appeared to him very strange. Several acts had been passed by the Legislature establishing various offices. Gentlemen all acknowledged that it is in the power of Congress to destroy these offices by repealing the laws that create them, and yet they deny that it is in their power to modify them. It is within the power of the Legislature to say that a man, though appointed for three years, shall vacate his office at the expiration of one year. So it is in their power to say no military officer shall be appointed Governor of a Territory. If they have power to repeal a law and destroy the office created by it, there can be no question of their having the power of modifying the office. Your law, said Mr. C., constitutes the Governors of the Territories commandants of the militia. Surely then it is in the power of the law to say they shall no longer be commandants of the militia. So with the officers of the Army, you have a right to destroy the office of Brigadier General, or to say it shall not be held by a Governor of a Territory.

Mr. C. said he had no enmity to the person alluded to. He had no personal knowledge of him. But he was of opinion that a man appointed to a civil office, which was from its nature local, ought not to hold a military office, which might carry

him from the place where the first was exercised. It had been remarked, by the gentleman from Maryland, that this officer had been appointed under the Constitution, by the President and Senate, and that it would require as great a power to repeal as to make this provision. He agreed to the accuracy of this remark; but would answer it by stating that the proposed law, before it became binding, would require the concurrence of the President, the Senate, and that House.

The House divided on the motion to print the bill—yeas 46 nays 52.

Mr. N. WILLIAMS then moved to amend the bill by adding to it the following proviso:

Provided, That this act shall not affect any officer now holding an office under the Constitution or any existing law of the United States.

This amendment was supported by Messrs. N. WILLIAMS, R. NELSON, and SMILIE; and opposed by Messrs. J. RANDOPH, R. WHITEHILL, DAWSON, JACKSON, and QUINCY.

Mr. RHEA, of Tennessee, opposed both the amendment and the bill.

When the question was taken by yeas and nays on the proviso, which was negatived—yeas 36, nays 66, as follows:

YEAS—Joseph Barker, Barnabas Bidwell, George W. Campbell, John Chandler, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, Peter Early, James Elliot, William Ely, William Findley, John Fowler, Silas Halsey, John Hamilton, Joseph Lewis, junior, William McCreery, Jeremiah Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Roger Nelson, John Pugh, Thomas M. Randolph, Peter Sailly, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Philip Van Cortlandt, Killian K. Van Rensselaer, John Whitehill, Eliphalet Wickes, Marmaduke Williams, and Nathan Williams.

NAYS—Evan Alexander, Willis Alston, junior, Isaac Anderson, Burwell Basset, George M. Bedinger, John Blake, junior, Thomas Blount, William Butler, Levi Casey, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, John Dawson, Elias Earle, Caleb Ellis, John W. Eppes, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Seth Hastings, David Holmes, John G. Jackson, Water Jones, Michael Leib, Matthew Lyon, Duncan MacFarland, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, John Morrow, Thomas Newton, junior, Gideon Olin, Timothy Pitkin, junior, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Joseph B. Varnum, Peleg Wadsworth, Robert Whitehill, David R. Williams, Alexander Wilson, and Joseph Winston.

The bill was then ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act making appropriations for the support of Government, for the year one thousand eight hundred and six," with several amendments; to which they desire the concurrence of this House.

FRIDAY, April 11.

Mr. JOHN C. SMITH, from the Committee of Claims, to whom was referred, on the second instant, the memorial of Amelia Eugene Beaumarchais, made a report thereon; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report in relation to sundry claims to land for military services rendered in the late Revolutionary War, in pursuance of an act of the nineteenth of March, one thousand eight hundred and four, entitled "An act granting farther time for locating military land warrants, and for other purposes;" and an act of the third of March, one thousand eight hundred and five, entitled "An act to authorize the Secretary of War to issue land warrants, and for other purposes;" which were read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act to regulate and fix the compensation of clerks, and for other purposes," was read twice, and committed to a Committee of the whole House to-morrow.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill making appropriations for carrying into effect a treaty between the United States and the Chicksaw tribe of Indians; which was read twice, and committed to a Committee of the whole House to-morrow.

Mr. JOHN RANDOLPH, from the same Committee, presented a bill making appropriations for carrying into effect certain Indian treaties; which was read twice, and committed to a Committee of the Whole House to-morrow.

A Message was received from the PRESIDENT OF THE UNITED STATES, transmitting a statement of the militia of the United States, according to the returns last received from the several States and Territories. The Message was read, and, together with the documents transmitted therewith, ordered to lie on the table.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year one thousand eight hundred and six;" Whereupon,

Ordered, That the said amendments, together with the bill, be referred to the Committee of Ways and Means.

The House took up the bill prescribing the effect in each State of the records of judgments and decrees of the courts of record of every other State.

A debate of considerable length arose on this bill.

A motion made by Mr. G. W. CAMPBELL to postpone the bill indefinitely was lost; when it was ordered to be engrossed for a third reading on Monday—yeas 63.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting an estimate of the sums necessary to be appropriated

for repairs of vessels, store-rent, pay of armorers, freight, and contingent expenses of the Navy, for the year one thousand eight hundred and six, prepared in obedience to a resolution of the House of the tenth instant; which was read, and ordered to lie on the table.

TENNESSEE LANDS.

The bill to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle the claims to the unappropriated land within the same, was read the third time.

Mr. ALSTON moved to recommit the bill to a Committee of the Whole, for the purpose of introducing an amendment, declaring that nothing contained in this act should be so construed as to impair the cession act of North Carolina.

This motion was supported by Messrs. ALSTON, and ALEXANDER; and opposed by Messrs. GREGG, J. C. SMITH, and G. W. CAMPBELL, and disagreed to, yeas 28; when the bill was passed—yeas 63, nays 28, as follows:

YEAS—David Bard, Joseph Barker, Silas Betton, John Blake, jun., William Butler, George W. Campbell, Levi Casey, Christopher Clark, Joseph Clay, Matthew Clay, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Elias Earle, Ebenezer Elmer, William Findley, John Fowler, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, Michael Leib, Robert Marion, Josiah Masters, William McCreery, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, jun., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, James Sloan, John Smilie, John Cotton Smith, Joseph Stanton, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, Alexander Wilson, and Richard Winn.

NAYS—Evan Alexander, Willis Alston, jun., Burwell Bassett, George M. Bedinger, Barnabas Bidwell, William Blackledge, Thomas Blount, Ezra Darby, James Elliott, John W. Eppes, Peterson Goodwyn, Thomas Kenan, Patrick Magruder, Jeremiah Morrow, John Morrow, Gideon Olin, John Randolph, Thomas Sandford, Ebenezer Seaver, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, David R. Williams, Marmaduke Williams, and Nathan Williams, Joseph Winston.

PLURALITY OF OFFICES.

The bill to prohibit officers of the Army and Navy of the United States from holding or exercising any civil office, was read a third time.

Mr. GREGG said he never found himself involved in greater difficulty. He was in favor of the principle involved in the bill, and yet he could not vote for its passage. He believed that it was a correct principle that civil and military offices should be kept distinct, and he wished the Constitution had prohibited the union. In relation to the individual on whom it was mentioned yesterday this law was to operate, he was satisfied it would be best if he could be removed from one of the offices he held, and if such a course had been pursued, he should have been in favor of destroying the office of brigadier general to get rid of the officer. The effect of this resolution would be to take from a man an office which he held under the Constitution. This power they did not possess. The only Constitutional way to effect the object was to destroy the office. He would agree likewise to amend the Constitution, so as to declare the union of civil and military office incompatible, or to a law providing that after a certain time no person should hold two such offices; and he should, if practicable, be for doing away the office of Governor of Louisiana, because he believed the person holding that office was, by his course of proceedings, producing a disturbance in the Territory. But although he entertained a favorable opinion of the principle of the bill, and would wish to remove that gentleman from one of the offices he held, yet he must vote against the bill, as it went to the unconstitutional removal of an officer.

Mr. SMILIE thought the passage of this bill involved a principle of a very serious nature. As to the abstract principle involved in the bill he did not dispute its correctness, or that it ought to have been a part of the Constitution. But the question was, whether they had a right by a legislative act, to prejudice any other branch of the Government. They were not in his opinion warranted in travelling out of their own sphere to remove existing evils. There was but one way in which the Constitution provided for the removal of a public officer. It says "the President, 'Vice President, and all civil officers of the Uni-'ted States, shall be removed from office on im-'peachment for, and conviction of, treason, bri-'bery, or other high crimes and misdemeanors." Here was the true and only sphere in which the House could move. If the Constitution did not give the right of removal in any other way, it did not exist, and if they undertook by a legislative act to remove a man constitutionally appointed, who would pretend to say what mischief might not result from it? For these reasons he should vote against the bill.

Mr. QUINCY said it appeared to him that one of the arguments urged by gentlemen against this bill was fallacious—that which considered it an invasion of the rights of the Executive. This argument went on the assumption that the President would necessarily sign the bill sent to him, which might or might not be the fact. If he accedes to it, the argument of gentlemen falls to the ground; and if it shall be returned, it will then be time enough to discuss the Constitutional principle. With regard to the general expediency of passing such a bill, the strongest arguments would be found in favor of it on the page of history. If history proved anything, it was that the condition of those was most degraded who lived under the colonial governments of Republics. This was amply proved by the annals of the Carthagenian and Roman Republics. The territory under contemplation was a kind of colonial gov-

ernment, and might in the course of time be a powerful engine in the hands of the Executive. He wished, therefore, for a separation of the civil and military powers which might arise under it.

Mr. SMILIE said if the question was what was most convenient or best, he should have no difficulty in agreeing with the gentleman from Massachusetts. But it rested on higher ground—on what was Constitutional. If he had a right to make the Constitution, he would have no hesitation in separating the civil and military powers. But he could not forget the occurrences which had taken place in the State he had the honor to represent in part. In that State there had been but a single branch of the Legislature without any Executive veto on the passage of the laws. He had seen that Government destroyed by sweeping away the Executive power before the irresistible authority of the Legislature, and he had seen the people obliged, from this circumstance, to give up that constitution and frame a new one. The measure under consideration was of the same kind. The Constitutional powers of the Executive ought not to be encroached upon, unless the object was to produce confusion. He had seen the effects of such measures, and deprecated them. You may, said Mr. S., abolish the office, and the officer falls with it, but in no other way, while the office continues, can you remove the officer except by impeachment. Shall we, then, in order to get rid of a man who may not have done right (and as for myself I am ready to answer I have no affection for the man) go into a new scene, the length of which we cannot foresee? This principle once established may lead to anything; it may lead to a destruction of the powers of the Executive altogether. I am as tenacious of the powers of the Legislature as any man, but I believe the powers of the Executive to be equally necessary. Indeed I think there is more danger to be apprehended from the overwhelming power of the Legislature, than from the powers of the Executive. For the Legislature is so powerful that there can be little danger of the Executive encroaching upon it.

Mr. EPPES.—If I took the same view of the operation of this law with the gentleman from Pennsylvania, I should certainly give it my negative. As, however, I voted for the resolution on which it is founded, and consider the law in conformity with the resolution, I will assign, in a few words, the reasons which will govern my vote.

We have been told that all the departments of Government are independent of each other. No man denies the correctness of this principle. Let us not interfere with the Constitutional rights of the other departments, nor abandon our own. The Executive has by the Constitution the right of nominating for office any citizen of the United States, whether an officer of the Army and Navy, or not. This being a Constitutional right, he certainly cannot be deprived of it by law; the right remains, and may be exercised if the law passes; the law merely severs the civil and military offices, and leaves the military officer to decide whether he will vacate his military command by holding or accepting a civil office; the Executive will have the same right to appoint—the individual will have the same right to accept the civil office as heretofore, but the acceptance vacates his command in the Army or Navy. If, then, the Executive right to appoint, and the right of the officer to accept, remains after the passage of this law, how can gentlemen contend that the Constitutional right of appointment is narrowed? All the difficulty on the present occasion arises from the law being made to bear on the Constitutional right of appointment. It is intended to operate only on offices in the Army or Navy which are created by law, to the tenure of which we may annex such conditions as the public good may require. Under the Constitution we have a right to prescribe rules for the government of the Army or Navy. In passing this law we add a new clause to the articles of war, viz: That an officer of the Army or Navy shall not hold or accept a civil office. Do gentlemen really suppose that we have no right to make this rule? If we can say that an officer shall not get drunk, that he shall have short hair, a coat of a certain form; that he shall not absent himself from his duty; or if we can in fact annex any other condition calculated to insure to the public his services, why may we not declare by law that he shall not hold or accept a civil office, he shall forfeit his military command? The public welfare is the basis of the rules for the government of the Army and Navy; we have a right to prescribe such rules as the public good requires, and it is our duty to establish such as will insure to us the services of our military officers in that station to which they are appointed.

But we are told we are about to remove from office a civil officer by law. The gentleman from Pennsylvania has read the clause of the Constitution which provides for the removal of civil officers by impeachment. This law is not to operate on civil but on military officers; civil officers, it is true, are removed by impeachment—military officers by such forms as we think proper to prescribe by law; the operation of this law will be precisely the same with any other new rule prescribed for the government of the Army or Navy. Suppose we were to pass a law that any officer found drunk after the 1st of July next shall forfeit his office—his having been drunk before would not subject him to the penalty of the law—but his being drunk after the first of July next would deprive him of his office. Apply this to the case of a civil officer. An officer of the Army or Navy having accepted a civil office, or holding a civil office, does not at present vacate his military office; the reason is obvious—there is no law against it. If, however, after the first of July next, he accepts or continues to hold a civil office, he forfeits his military command under the new article of war which this law establishes. The law severs the two offices, declares them incompatible with each other, and leaves the individual free to make his election. As to the general principle that the civil and military ought to be sep-

arate and distinct, I have no doubt. If the principle is correct, the law ought to extend to all cases, not only such as may hereafter arise, but to those which at present exist.

Mr. STANFORD supported, and Messrs. FINDLEY and SLOAN opposed the bill; when the question was taken by yeas and nays on the passage of the bill—yeas 64, nays 34, as follows:

YEAS—Willis Alston, Isaac Anderson, Burwell Bassett, George M. Bedinger, Silas Betton, John Blake, jr., Thomas Blount, William Butler, Levi Casey, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Dawson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Peterson Goodwyn, Edwin Gray, Seth Hastings, David Holmes, John G. Jackson, Walter Jones, Michael Lieb, Matthew Lyon, Duncan McFarland, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, jr., Gideon Olin, Josiah Quincy, John Randolph, Thomas M. Randoph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—David Bard, Joseph Barker, Barnabas Bidwell John Chandler, Jacob Crowninshield, Richard Cutts, Ezra Darby, Ebenezer Elmer, William Findley, John Fowler, Andrew Gregg, Isaiah L. Green, James Kelly, William McCreery, Jeremiah Nelson, Timothy Pitkin, jr., John Pugh, John Rea of Tennessee, John Russell, Peter Sailly, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Eliphalet Wickes, Marmaduke Williams, and Nathan Williams.

PUBLIC DEBT.

Mr. J. RANDOLPH, from the committee of conference, appointed on the disagreeing votes of the two Houses to the act to repeal so much of any act or acts, as authorize the receipt of evidences of the public debt, in payment for lands of the United States; and for other purposes relative to the public debt—made a report.

The House took up this report, which recommended to the House the receding from their amendment, to strike out that part of the original bill which authorized the appointment of an agent, with power to make purchases of the public debt by open purchase, and allowing him one quarter of one per cent. on all purchases made by him.

A short debate took place on receding—Messrs. J. CLAY, and QUINCY supported; and Mr. J. C. SMITH opposed receding—which was disagreed to—yeas 35, nays 38.

When, on motion of Mr. J. RANDOLPH, the House resolved to insist on their amendment.

SATURDAY, April 12.

Mr. JOSEPH CLAY, from the Committee of Ways and Means, to whom were referred, yesterday, the amendments of the Senate to the bill making appropriations for the support of Government, for the year one thousand eight hundred and six, made a report thereon: Whereupon,

Resolved, That this House do agree to the first of the said amendments.

Resolved, That this House doth disagree to all other of the said amendments, and desire a conference with the Senate on the subject-matter thereof; and do appoint Mr. JOSEPH CLAY, Mr. MOSELY, and Mr. ROGER NELSON, managers at the said conference, on their part.

The House resolved itself into a Committee of the Whole on the bill making further appropriation towards completing the south wing of the Capitol, at the City of Washington. The bill was reported with an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-day.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act for the relief of Gilbert C. Russell." The bill was reported without amendment, and read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill making appropriations for carrying into effect certain Indian treaties. The bill was reported without amendment, and ordered to be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole on the bill making appropriations for carrying into effect a treaty between the United States and the Chickasaw tribe of Indians. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole on the bill respecting the claims to land in the Indiana Territory, and State of Ohio. The bill was reported with several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

An engrossed bill making further provision towards completing the south wing of the Capitol, at the City of Washington, was read the third time, and passed.

The House resolved itself into a Committee of the Whole, on the bill to suspend the sale of certain lands in the State of Ohio and Indiana Territory.

The bill suspends the sale of lands on which instalments are due, until the first of October next.

A motion of Mr. LYON to extend the time till February the first, was lost.

The Committee rose, and reported the bill without amendment, which was read a third time and passed—yeas 66.

COURTS OF RECORD.

A bill prescribing the effect in each State. of the records of judgments and decrees of the courts of records of every other State, was read the third time.

Messrs. KELLY and RHEA of Tennessee opposed its passage; when the question was taken, and the bill passed—yeas 67, nays 18, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, Joseph Barker, Burwell Bassett, Barnabas Bidwell, Robert Brown, William Butler, Levi Casey, John Chandler, John Claiborne, Christopher Clark, John Clopton, Frederick Conrad, Jacob Crowninshield, John Davenport, jun., John Dawson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, William Ely, William Findley, James Fisk, James M. Garnett, Peterson Goodwyn, Isaiah L. Green, Silas Halsey, Seth Hastings, David Hough, Thomas Kenan, Michael Leib, Joseph Lewis, jr., Duncan McFarland, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, Timothy Pitkin, jun., John Pugh, Thomas M. Randolph, Jacob Richards, Peter Sailly, Ebenezer Seaver, James Sloan, John Cotton Smith, Samuel Smith, Henry Southard, Thomas Spalding, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—George M. Bedinger, Silas Betton, Matthew Clay, Samuel W. Dana, Ezra Darby, Charles Goldsborough, Andrew Gregg, James Kelly, John Rhea of Tennessee, Thomas Sandford, Martin G. Schuneman, John Smilie, John Smith, Samuel Taggart, Killian K. Van Rensselaer, Robert Whitehill, Eliphalet Wickes, and Alexander Wilson.

PROTECTION OF MERCHANT VESSELS.

The House went into a Committee of the Whole on the bill concerning the further safeguard of merchant vessels in the vicinity of the United States. The first section of the bill was read as follows:

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be lawful for the President of the United States, whenever he shall deem it expedient, to prohibit the exercise of hostilities against merchant vessels in any of the roads, or places of anchorage, near the ports and harbors of the United States, and also in any of the tracts of sea within the principal headlands on the coasts of the United States; and to require all foreign armed ships, or vessels of whatever description, to abstain from seizing, annoying, or molesting, any merchant vessels, within any of the spaces and precincts aforesaid.

Mr. CROWNINSHIELD moved to amend the section by extending the contemplated protection to "American citizens or other persons."

Mr. DANA considered the amendment superfluous, as the section provided against molesting merchant vessels; he was of opinion that the impressment of seamen would be a molestation.

Mr. CROWNINSHIELD held a different opinion as to the construction of the section—which only provided against molesting merchant vessels.

Mr. ELY expressed himself of the same opinion with Mr. DANA.

After some further conversation, Mr. CROWNINSHIELD withdrew his amendment, and submitted it under a new modification; in which shape it was disagreed to, under the idea that it was superfluous.

On motion of Mr. JACKSON, the section was so amended, as to apply the provision to all vessels whatever.

After some other amendments, the committee rose, and the bill as amended in Committee of the Whole was ordered to a third reading on Monday.

NAVAL APPROPRIATIONS.

The bill making appropriations for the support of the Navy was read the third time.

Mr. J. C. SMITH moved to recommit it, for the purpose of restoring the provision for completing the marine barracks at the City of Washington, the amount of expense attending which, he understood, had been already partly expended.

Mr. CONRAD hoped the bill would not be recommitted, as he believed the provision unnecessary, and as it had been struck out by a large majority.

Mr. J. C. SMITH said, he presumed if the expense had been already incurred, the House would not object to providing for it.

Mr. QUINCY said, he had received like information. He had not conversed with the chairman of the Committee of Ways and Means on the subject, but he had with other members of the committee, and had found them all of opinion that this item ought to be restored. He understood that a part of the sum had been already expended.

The motion to recommit the bill having obtained—yeas 54—the House went into a Committee of the Whole, Mr. J. C. SMITH in the Chair.

Mr. J. CLAY observed, that since the House had agreed to strike out the provision for completing the barracks, he had understood that more money had been applied to this purpose than had been appropriated, and that it had been drawn from the private funds of one of the officers, under an understanding with the Head of the Department. He, therefore, moved to restore the item "for completing the marine barracks at the City of Washington, three thousand five hundred dollars."

Mr. D. R. WILLIAMS said, he should not make any objection to this motion. He would only call the attention of the House to the regard they had heretofore manifested to specific appropriations, under the hope that something would be done to circumscribe contingencies. He believed that this particular sum had been expended much to the interest of the country.

Mr. LEIB said, he was not very fond of making appropriations in this way—for particular officers to run into unauthorized expenditures, and then to call on Congress to make good the deficiency. Is this a provision for completing the house for the commandant? Is that the marine barracks? If not, then under what appropriation is it made? Is it under that of contingencies? Look at the buildings at the navy yard; is all this expense in-

curred out of the contingent fund? If it is not, it is not authorized by law. Mr. L. said, he did not know that he should make any objection to this item; but he thought it full time to check this loose mode of procedure.

Mr. R. Nelson said, he did not understand the force of the reasoning of the gentlemen from South Carolina and Pennsylvania. Both had made a great show of liberality, by saying they would not oppose this particular appropriation, at the same that they condemned the course of proceeding, and represented the country as crying aloud at this kind of expenditure, before an appropriation was made to cover it. He believed, however, that it was almost next to impossible that the money should be misapplied. The estimates were made, the money appropriated; and when, in the application of it, either from the rise of materials, or other unexpected circumstances, they found a particular object unfinished, was it right to suffer it to be exposed to the weather, and not done for the want af a few thousand dollars; and like a young spendthrift, only half build his house, and let it fall in ruins? Mr. N. said, he should rather suppose the gentleman deserved credit for asking a less sum than was necessary, and trusting to the honor of Congress to supply any deficiency that might arise.

It had been inquired, if the expense of this building was not paid out of the contingent fund? Mr. N. said, he did not know how this was; but he did know that a great part of the work had been done by the soldiery; and for that he thought the officer deserved the applause of the House and the public, instead of their censure.

Mr. D. R. Williams said, he had not dropt any such expression as had been intimated. He had felt no censure; he had expressed none. If he had expressed any opinion of this officer, it was that this sum had been economically expended. He observed that much noise had been heretofore made about expenses incurred before an appropriation for them; and he was much mistaken if the gentleman from Maryland (Mr. Nelson) had not assisted in making it.

Mr. Dana said, he was in favor of this appropriation. But he believed the gentleman from South Carolina was correct in saying that much noise had heretofore been made about adhering to specific appropriations. He had, however, never had much faith in this doctrine. And as to the Navy, especially, he believed the thing was unattainable; and less money was required for general than for specific appropriations. He believed, however, that there need not be much talk on this appropriation, when they had recently made an appropriation of two millions of dollars without any specification of the object.

The question was then put, and the motion of Mr. J. Clay was agreed to without a division.

Mr. D. R. Williams said, he wished so to modify that part of the bill which appropriated four hundred and eleven thousand nine hundred and fifty dollars "for repair of vessels, store rent, pay of armorers, freight, and other contingent expenses," as to separate the items; to give the Department all it asked, but fix a particular sum to each item. He held, he said, the report of the Secretary of the Navy in his hand, and if he was disposed to be ill-natured, he could make a handle of it. But his opposition was to the system, not to the man; for, if he was correctly informed, the motives on which the gentleman went into office were honorable to him. To gain his object he would move to strike out this provision.

Mr. Conrad opposed the motion, and remarked that the expenditure under one item might fall short of the sum appropriated, which would require that the deficiency should be made up from the surplus of another.

Mr. Dana said, this amendment was warranted by the former usage of the House, and the message of the President of the United States. At the first session of the seventh Congress the President had observed that—

"In our care, too, of the public contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money, varying from the appropriation in object, or transcending it in amount, by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money."

This opinion had been given five years ago; and they might now infer that it had been found that it could not be carried into effect, as to the military or naval service. Mr. D. said, he considered the gentleman from South Carolina as bringing up this question directly before the House: Will you adhere to specific appropriations, or will you abandon them? Mr. D. said, he had never been in favor of them in relation to the Navy or Army.

Mr. R. Nelson said that, like the gentleman from South Carolina, he had been very early in favor of specific appropriations. The message which had been read, was founded in good sense, and met his approbation; but it had never been intended to apply the recommendations it contained to such a case as this; and it was totally impossible to make the navy efficient if such a specification were to be made. Did the gentleman know how the accounts of the public vessels at a distance were kept? He had gained some information on this point from navy men. The vessels in the Mediterranean were exposed to various expenses. The captain drew a bill on the navy agent in London, or at some other place. This was sent to the Secretary of the Navy, who did not know for what the amount had been expended, till the vessel returned to the United States, when the account was settled. So that it was impossible for them, sitting here in Washington, to tell for what the amounts of these bills had been expended. If they appropriated specifically for every object of expenditure, the over sum for each object must lie, although wanted for another object, for which a sufficient sum had not been appropriated. Thus much, required to be done, must remain undone; for, although money enough might have been appropriated, it could not be got at for the purpose for which it

was wanted. This result would be inevitable. Besides, in military affairs, it was impossible to calculate with precision. Ten thousand things might arise which could not be anticipated by any human wisdom. It followed that, although an adherence to specific appropriations was highly desirable in all cases where it was practicable, as in meeting civil expenses, yet that, for military purposes, they must necessarily go on in the old way.

The question was then taken on the motion of Mr. D. R. WILLIAMS, which was disagreed to—yeas 32, nays 51—when the Committee rose, and reported the bill, which was passed without a division.

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[The following is the report of the Secretary of the Navy, alluded to in the above.]

NAVY DEPARTMENT, *April* 11, 1806.

SIR: In compliance with the resolution of the House of Representatives, I herewith transmit to you, to be laid before them, paper A, which specifies the several sums of money, respectively, wanted for repairs of vessels, for store rent, for pay of armorers, for freight, and for contingent expenses of the Navy for the year 1806.

The estimate for repairs, as well as for the other items in this statement, is obviously altogether conjectural. Universal experience has ascertained that practical men, however conversant in naval architecture, can form no precise opinion from any previous survey of a ship requiring repair of consequence, as to the extent and cost of such repair. The sum stated as necessary may not, and I hope will not, be wanted. In such case, it of course will not be expended. But I have deemed it expedient to estimate for the largest sum that I have reason to apprehend, in any state of things, may be required. This I have done as a measure of precaution, and under an impression that, at all times, and especially at a crisis like the present, all the frigates and other vessels of the Navy ought to be completely prepared for service at any moment Government may have occasion for them.

I am, respectfully, sir, your obedient servant,

ROBERT SMITH.

Hon. NATHANIEL MACON.

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Estimate of the sums necessary to be appropriated for repairs of vessels, store rent, pay of armorers, freight, and contingent expenses of the Navy, for the year 1806, *prepared in obedience to the resolution of the House of Representatives of the* 10*th April,* 1806:

For repairs of vessels—This item comprises the expense of procuring the necessary timber, masts, yards, copper, iron, anchors, cables, standing and running rigging, canvass, &c., the making and repairing the necessary boats of a ship, water casks, &c., and the professional and manual labor, required for the purpose of repairing, and keeping in repair, all the vessels of whatever description, belonging to the Navy of the United States - - - - - - - - -	303,300
For store rent, in the Mediterranean, the United States, and elsewhere, - - - -	3,500
For pay of armorers - - - - - -	650
For freight—This item comprises the expense of transporting, in the United States, and from the United States to the Mediterranean, timber, masts, yards, plank, cordage, canvass, powder, ball, beef, pork, flour, bread, spirits, molasses, peas, suet, butter, and every other description of articles required, either for the repairs of vessels, or the maintenance of the crews of vessels - - -	60,000
For contingent expenses—This item comprises commissions to agents in foreign countries and the United States, officers' travelling expenses, the expense of nautical instruments, chests, books, models, drawings, signals, lanterns, lamps, oil, fuel, candles, hammocks, trumpets, glass, cisterns, cans, mess kids, buckets, axes, gridirons, tea kettles, shovels, tongs, charcoal, sulphur, saltpetre, fire engines, bread bags, and an infinite variety of other such articles - -	45,000
	$412,450

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MONDAY, April 14.

An engrossed bill respecting claims to land in the Indiana Territory and State of Ohio was read the third time, and passed.

An engrossed bill making appropriations for carrying into effect certain Indian treaties was read the third time, and passed.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, of the eighth instant, fixing a day for the adjournment of the two Houses of Congress, with an amendment; to which they desire the concurrence of this House. The Senate have agreed to the conference desired by this House on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act making appropriations for the support of Govment for the year one thousand eight hundred and six," and have appointed managers on their part. The Senate have passed the bill, entitled "An act authorizing a detachment from the militia of the United States," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate, to the resolution fixing a day for the adjournment of the two Houses of Congress; and the said amendment being to strike out the words "Wednesday, the sixteenth," and, in lieu thereof, to insert the words Monday, the twenty-first," was, on the question put thereupon, agreed to by the House.

A Message was received from the President of the United States communicating information in relation to our affairs with Tunis. The Message was read, and referred to the Committee of Ways and Means.

PROTECTION OF MERCHANT VESSELS.

An engrossed bill concerning the further safeguard of merchant vessels in the vicinity of the United States, was read the third time; and on the question that the same do pass, it was resolved in the affirmative—yeas 87, nays 5, as follows:

YEAS—Willis Alston, jr., David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, John Blake, jr., Thomas Blunt, Robert Brown, Levi Casey

John Chandler, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Frederick Conrad, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, Elias Earle, James Elliot, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, David Hough, James Kelly, John Lambert, Michael Leib, Jos. Lewis, jr., Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Gideon Olin, Timothy Pitkin, junior, John Pugh, Josiah Quincy, Jacob Richards, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Philip Van Cortland, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Marmaduke Williams, Nathan Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Peter Early, John Rea of Pennsylvania, John Rhea of Tennessee, Abram Trigg, and David R. Willliams.

DUTY ON SALT.

Mr. J. RANDOLPH said he was about to call the attention of the House to a subject which he should not have probably brought into view, but for the change wrought in the state of the revenue, in consequence of the peace with Tripoli. Among the different articles from which moneys were drawn, there was none so heavily burdened as salt; and it would be recollected that it was one of the necessaries of life, and an article, the free use and consumption of which was of material importance to the agriculture of the country. Two acts had been passed laying a duty on this article. It was no new thing to wish—it was, indeed, extremely desirable to diminish, if not to take off this duty, and for that purpose, he submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of any act as lays a duty on salt; and to report such provision as may, in their opinion, be calculated to meet the deficiency occasioned by that repeal.

Mr. THOMAS said the Committee of Ways and Means, of which the gentleman from Virginia (Mr. J. RANDOLPH) who has made the motion, was and still is Chairman, were instructed by this House in the early part of last session, on a motion which he had the honor then to submit, to inquire into the expediency of reducing the duty on salt, and, if he recollected right, they were directed to report by bill, or otherwise; but, from some cause or other, to him unknown, that committee had never yet made any report on that subject. Courtesy might induce him to impute this neglect to the multiplicity of business put into the hands of the members of that committee.

He, Mr. T., always considered the duty on this article too high, and falling particularly heavy on the agricultural part of the community. It was now, and always had been his wish, to reduce it as soon as our revenue would permit, if consistent with the provisions made for paying off our national debt, and meeting the other exigencies of Government. For his part, he was at a loss, however, to discover that the present situation of our revenue, and the calls on Government for expenditure, together with the present aspect of our foreign relations, warranted this measure more now than last year. It was true that the war with the Barbary Powers up the Mediterranean had ceased, but it was also true, that the two and a half per cent. additional duty on goods paying ad valorem duties has likewise ceased with the peace concluded with Tripoli. This duty was laid for the support of, and was more than adequate to the expense of that war.

He repeated that he was in favor of reducing the duty on salt whenever we could part with so much of our revenue. He regretted, however, that the gentleman from Virginia (Mr. RANDOLPH) had not brought this subject up at an earlier period of the session, when it might have been in our power to have examined into it, and, if found practicable, to have reduced the duty. But, as the gentleman is himself Chairman of the Committee, and has it in his power to act on it immediately, if he pleases, he hoped he (Mr. RANDOLPH) would obey the instructions of the House when predicated on his own motion—although he did not, when instructed by a resolution submitted by him, Mr. T.; and, therefore, he would vote for the resolution, with an expectation that we shall now, at least, have a report on the subject.

Mr. J. RANDOLPH said he had but two or three words to offer on the subject of the motion, said to have been offered during the last year, on this point. He had a distinct recollection of such a motion having been offered, and he also recollected that he had told the mover of it that it was not then possible to take off the duty upon salt, inasmuch as they had, only the session preceding, been compelled to raise additional revenue for the purpose of carrying on the Tripolitan war. He did not recollect whether the resolution had been agreed to by the House. But, it would be recollected, that during the latter part of the session, the most active members of the Committee of Ways and Means were almost exclusively engaged in conducting an impeachment pending before the other branch of the Legislature. If the Committee of Ways and Means had failed in their duty to make a report, the House would perceive that it was on one of those trivial motions which had been made under circumstances that did not entitle it to respect; for, when it was considered that they had recently been obliged to resort to new taxes for carrying on an existing war, it could not have been expected that they were in a situation to dispense with old ones. The reason why this resolution had not been brought forward at an earlier period of the session, Mr. R. said, was most obvious. He had not heard of the conclusion of peace with Tripoli till Saturday, and this

was, therefore, the earliest occasion that offered for making it.

Mr. CHANDLER said he hoped the motion would prevail. He had himself contemplated making a similar motion.

Mr. SMILIE likewise supported the motion.

Mr. ALSTON said he heartily concurred in the propriety of taking off the duty on salt; but he thought the House ought previously to know what equivalent could be brought forward. This subject had been thought of before this proposition had been submitted, and the continuation of the duty of two and a half per cent. had been considered an advisable substitute. But, he had doubts of the propriety of the direction proposed to be given to this business. He thought this resolution, together with that offered by a gentleman from Massachusetts, should go hand in hand with each other; whether they went to the Committee of the whole House, or to the Committee of Ways and Means, was immaterial to him. That if one of these sources of revenue was given up, the other should be, at the same time, substituted in room of it. He said he did not know in what situation the resolution offered by the gentleman from Massachusetts was, which he would wish to know before he voted on this resolution.

A Member observed that the House had never agreed to consider it.

Mr. THOMAS said, as the gentleman from Virginia appeared to have forgotten that the Committee of which he was Chairman were instructed to inquire into the expediency of reducing the duty on salt, in the early part of the last session, he wished the Clerk to read that part of the Journal. The resolution, he said, passed about the first day of December.

Mr. J. RANDOLPH said he certainly did not deny the existence of such a resolution. He had only observed that he did not recollect having received it from the Clerk.

The Clerk read the resolution offered last session by Mr. THOMAS, on the 7th of December, 1804, which was such as he had stated, and which appeared to have received the sanction of the House.

Mr. ALSTON then moved that the resolution should be referred to a Committee of the Whole, which, after a few words in opposition by Mr. LEIB, was disagreed to—yeas 22; when the original motion obtained without a division.

CHICKASAW INDIANS.

The bill making appropriations for carrying into effect the Treaty between the United States and the Chickasaw tribe of Indians was read a third time.

Mr. LYON declared himself against this bill, on account of the provisions contained in the third section, and moved a recommitment of the bill to a Committee of the whole House, which was disagreed to—yeas 28.

The question recurring on the passage of the bill, Mr. QUINCY objected to the provisions of the third section; which are as follows:

"SEC. 3. *And be it further enacted,* That if any person shall make, or attempt to make, a settlement on any of the lands thus ceded by the Cherokees and Chickasaws, and lying within the Mississippi Territory; or shall, unless authorized so to do by the Surveyor of the Public Lands south of Tennessee, survey, or attempt to survey such lands, or designate boundaries, by marking trees, or otherwise, such offender shall, on conviction thereof in any court of record of the United States, or of any of the Territories of the same, forfeit a sum not less than $ ——, nor exceeding $ ——, and suffer imprisonment for a term not less than —— months, nor exceeding —— years. And it shall, moreover, be lawful for the President of the United States, and he is hereby required to employ such military force as he may judge necessary, to remove from the said lands any person who shall make, or attempt to make, any settlement as aforesaid: *Provided,* That nothing herein contained shall affect persons making settlements on lands purchased from the United States in conformity with the preceding section of this act."

Whereupon, a short debate ensued, in which Messrs. QUINCY and LYON opposed, and Messrs. J. RANDOLPH, J. CLAY, and GREGG, supported the passage of the bill.

The former gentlemen opposed it on account of the preceding provisions, which they considered as calculated, by authorizing the use of military force, to prevent the legal adjustment, by judicial decision, of claims under individuals pretending to have good titles to a part of the country.

The latter gentlemen contended that the power given to the President was not only just in itself, but absolutely necessary, to prevent an intrusion on the lands of the United States by a particular description of the Yazoo claimants, who were represented as having formed the purpose of establishing an extensive settlement on them, and thus creating a force which would keep possession of the country in defiance of the laws of the United States.

The question was then taken by yeas and nays on the passage of the bill—yeas 68, nays 33, as follows:

YEAS—Evan Alexander, Willis Alston, junior, Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, John Blake, junior, Thomas Blount, Robert Brown, William Butler, Levi Casey, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Frederick Conrad, Ezra Darby, John Dawson, Elias Earle, John W. Eppes, James Fisk, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, John G. Jackson, John Lambert, Michael Leib, Joseph Lewis, jr., Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, junior, John Pugh, John Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Philip R. Thompson, Abram Trigg, Philip Van Cortlandt, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Joseph Barker, John Chandler, Orchard Cook, Richard Cutts, Samuel W. Dana, John Davenport, junior, James Elliot, Caleb Ellis, Ebenezer Elmer

William Ely, William Findley, John Fowler, Seth Hastings, David Hough, Matthew Lyon, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., Josiah Quincy, John Russell, Martin G. Schuneman, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

PUBLIC DEBT.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act making provision for the redemption of the whole public debt of the United States."

Mr. VARNUM considered the objects contemplated by this bill too important, and the subject too abstruse, to be likely, at so late a period of the session, to command that attention they merited; and therefore moved that the Committee should rise, with a view to postponing the farther consideration of the bill to the next session.

Messrs. TALLMADGE and QUINCY supported, and Messrs. J. CLAY and J. RANDOLPH opposed this motion, which was disagreed to—yeas 32, nays 42; when the bill was considered by sections, and some progress made in it, when the Committee rose, and had leave to sit again.

TUESDAY, April 15.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act authorizing a detachment from the militia of the United States:" Whereupon,

Resolved, That this House do agree to the said amendment.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act, entitled 'An act to extend jurisdiction, in certain cases, to the Territorial Courts," with several amendments; to which they desire the concurrence of this House. The Senate have passed a bill, entitled "An act for the regulation of the times of holding the Courts of the District of Columbia, and for other purposes; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act to extend jurisdiction, in certain cases, to the Territorial Courts: Whereupon,

Resolved, That this House do agree to the said amendments.

The bill sent from the Senate, entitled "An act for the regulation of the times of holding the Courts of the District of Columbia, and for other purposes," was read twice and committed to a Committee of the Whole to-morrow.

Mr. JOSEPH CLAY, from the committee appointed on the part of this House to attend a conference with the Senate on the subject-matter of the amendments depending between the two Houses o the bill, entitled "An act making appropriations or the support of Government, for the year one thousand eight hundred and six," made a report thereon; which was read and ordered to lie on the table.

A message from the Senate informed the House that the Senate have agreed to the arrangement proposed by the joint committee of conference touching the amendments of the Senate to the bill, entitled "An act making appropriations for the support of Government for the year one thousand eight hundred and six;" they recede from their fourth, sixth, seventh, eighth, tenth, and twelfth, and insist on their fifth, ninth, eleventh, thirteenth, fourteenth, and fifteenth amendments to the said bill.

The House proceeded to consider the said message: Whereupon,

Resolved, That this House do recede from their disagreement to the amendments insisted on by the Senate, and do agree to the amendment and modification of all the other amendments proposed by the Senate to the said bill.

A Message was received from the President of the United States, transmitting a treaty concluded with the Piankeshaw Indians, for extinguishing their claim to the country between the Wabash and Kaskaskia cessions.

The Message was read, and, together with the treaty transmitted therewith, referred to the Committee of Ways and Means.

The House resolved itself into a Committee of the Whole, on the bill sent from the Senate, entitled "An act to regulate and fix the compensation of clerks, and for other purposes." The bill was reported with several amendments.

Ordered, That the said amendments, together with the bill, do lie on the table.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" which was read twice, and committed to a Committee of the whole House to-morrow.

The SPEAKER laid before the House the following letter from the Secretary of the Treasury; which was read and laid on the table:

TREASURY DEPARTMENT, *April* 15, 1806.

SIR: In answer to the request contained in the resolution of the House of Representatives of the 8th instant, I have the honor respectfully to state, that "no application has been made to draw money from the Treasury for the purchase of the Floridas before an appropriation made by law for that purpose."

The circumstances which may have produced an impression that such an application had been made, being unconnected with any matter pertaining to the duties of the office of Secretary of the Treasury, are not presumed to come within the scope of the information received from this Department by the House.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

The Hon. the SPEAKER *of the House of Representatives.*

DEFENCE OF PORTS AND HARBORS.

The House resolved itself into a Committee of the Whole on the bill "for fortifying the ports and harbors of the United States, and for building gunboats."

The first section was read, as follows:

SEC. 1. That a sum of money not exceeding $150,000, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

Mr. D. R. WILLIAMS moved to strike out the first section of the bill.

Mr. MCCREERY.—Mr. Chairman: I shall not only vote against striking out the first section of this bill, but mean to renew the motion made in Committee of the Whole by the gentleman from Virginia, (Mr. DAWSON,) to appropriate $500,000 for the building of three frigates.

When we take into consideration the present unsettled state of Europe, the great and growing importance of our commerce, and the defenceless state it is in, can any man think of lessening the very small protection afforded to it by the nation? Will our constituents not be shocked at the small attention that is paid to such an immense property? Sir, the stake is too great to be trifled with. According to the report laid on your table a few days ago by the Secretary of the Treasury, our exports amounted to upwards of ninety-five millions of dollars for the last year, but as they commonly exceed our exports, both together must amount to nearly two hundred millions, to which I add, for one million tons of shipping, fifty millions, which gives an active property of near two hundred and fifty millions of dollars belonging to our fellow-citizens; the greater part of which is almost constantly exposed to depredations.

Now, sir, according to an estimation which I have made of fifteen per cent. gain on our imports and exports, and of twenty dollars per ton, carried annually by our shipping, it appears that our merchants have brought more wealth into the nation last year, than all our native produce and manufactures, which were exported the same year, amounted to. I therefore appeal to the good sense and candor of this House, whether it is consistent with the duty we owe our constituents to abandon such an interest.

When this subject of our carrying trade, as it is called, was lately before the House, some gentlemen gave it credit for about $800,000, which arose from the system of debentures. The same item in the last report is, I believe, stated at one million and a half. But this, sir, in comparison to the other immense advantages of our trade, I consider as mere drippings in the pan; and I only mention it now in order to show to the House the manner in which it arises, because it will be a complete refutation of all those little insinuations and gross charges lately uttered on this floor against that part of the community.

Agreeably to the system of drawback, all goods imported, which pay a duty, are entitled to debenture on being re-exported, provided they remain in the same package, and are not altered. Therefore, if a merchant on examining his goods, which he commonly does, is tempted to dispose of a piece of linen, a pair of gloves, or a piece of ribbon, he loses the drawback on the entire package; and, therefore, because he will not take a false oath, the nation gains these sums of money.

I know, sir, that custom-house oaths are proverbial in Europe; but they are not so here yet; and I think it will depend on this House that they never shall.

Notwithstanding the present great extent of our trade, we have the means of extending it much further from our increased circulating medium; and this will certainly take place should Europe remain in its present situation. It, therefore, appears to me to be wisdom in this House to afford to our commerce the necessary protection it requires. So much wealth pouring in will soon lower the interest of money. Banks are multiplying, but their dividends are lessening so fast, that these riches must soon be applied to agriculture and to manufactures.

The question was then taken on the motion of Mr. WILLIAMS, which was disagreed to—ayes 20.

Mr. MASTERS moved a new section, appropriating a sum not exceeding —— dollars, to enable the President of the United States to cause the port and harbor of New York to be better fortified and protected.

Mr. SMILIE opposed the motion, under the impression that no sum in the power of Congress to give would accomplish this object.

Various motions were made to incorporate in the section a provision for fortifying the several ports of Charleston, Norfolk, New Orleans, Baltimore, and Georgetown.

Mr. QUINCY.—Mr. Chairman, gentlemen seem disposed to treat this subject lightly, and to indulge themselves in pleasantries on a question very serious to the commercial cities and to the interests of those who inhabit them. It may be sport to you, gentlemen, but it is death to us. However well disposed a majority of this House may be to treat this bill ludicrously, it will fill great and influential portions of this nation with very different sentiments. Men who have all that human nature holds dear—friends, fortunes, and families—concentrated in one single spot on the seacoast, and that spot exposed every moment to be plundered and desolated, will not highly relish or prize at an extreme value the wit or the levity with which this House seems inclined to treat the dangers which threaten them; and which are sources to them of great and just apprehensions. I do not rise, Mr. Chairman merely to support the motion made by the gentleman from New York. It is not the fortification of this or that particular city which I mean to advocate. I should have preferred a general appropriation, leaving it to the discretion of the Executive to apply it to those ports and harbors which are either most exposed or most important. And if by anything that shall occur in the course of the discussion, the House shall be induced to change what at present seem

to be its disposition, I hope the augmented appropriation will be made in that form. It is to the general duty which is incumbent upon this Legislature to protect the commercial cities, that I would call its attention. This duty is so plain and imperious, that, in my opinion, an awful weight of responsibility rests upon this House. Every class and collection of citizens have a right to claim from Government that species of protection which their situation requires, in proportion to their exposure, and to the greatness of the stake which society has in their safety. Our obligation to protect the commercial cities does not result from the particular exigency which at present impends over our nation; but from the nature of those cities. The duty is permanent, and ought to be fulfilled by a permanent system. A regular course of annual appropriations may in a very few years put all our capital cities in a state of reasonable security, and at no very distant period of time, without any additional imposition on the people, give every city on our coast an adequate defence. It is in this light that I consider the question now before the Committee to be important. Not that any sum which may be inserted will be immediately sufficient for all the objects for which we have to provide. But that any augmentation of the appropriation will be a pledge to the nation of the disposition of this House to commence a system of defence for our cities. Any evidence of which will give just satisfaction to great masses of your citizens, as an appearance of a want of it, will fill them with no less discontent and dismay. In this point of view I ask the indulgence of the Committee to a few observations on the importance of fortifications, their utility, and practicability.

As to the importance of the objects for which we ask a defence, it seems to me either not understood or not realized. Almost all who have spoken upon the subject have dwelt chiefly, if not altogether, on the amount of revenue drawn from the commercial cities; as if their value were to be appreciated, or our duty to defend them measured, by the annual product they yield. This, it is true, makes a natural part of the estimate of their worth, but, as I apprehend, by no means the most important. Their situation, the number of their inhabitants, the great portion of the active and fixed capital of society which they contain, are, in a national view, standards much more just and more elevated by which to ascertain their value and our obligations. I ask, sir, what is the amount of the capital of this nation which is invested in the single city of New York? The annual product it yields to our revenue is three millions of dollars. Now suppose the average of import duties is only ten per cent., *ad valorem*, (a sum certainly below the real average,) the annual amount of capital deposited in imports, is, then, thirty millions of dollars. The amount of value in exports cannot be estimated at less than twenty millions. If to these be added the capital of its banks, the amount of stock always on hand, and that of its shipping and other personal property, all of which no one can rate below another fifty millions, the result is, that there is in annual deposit, within the city of New York alone, one hundred millions of the active capital of this nation! I know how far this is below the real estimate, but I state this sum that no one may hesitate to admit my position. I ask, then, what is it worth to insure this sum against the risk of an invasion, not on calculations on the great national scale, but on a mere insurance office arithmetic? I have been told that to insure that city against such risk, for one single year of war, with any of the great maritime nations of Europe, would be worth five per cent. That is, the insurance for a single year of war would repay the expense of fortifications, even should they cost five millions of dollars. But, suppose this calculation extravagant, can any one doubt that such an insurance in time of peace against the double risk of war, and of attack in case of war, is worth one half per cent.? Even at this premium, six years of insurance, in time of peace, would repay the expenditure of three millions—a sum more than adequate to the defence of that city. In making this statement I would not be understood to pretend nor to propose such an appropriation; it is not asked. My object is to call gentlemen to consider what is the market worth of security, and that they may not deem the moneys they apply to these objects, as they seem willing to deem them, absolutely thrown away. This great mass of the national wealth, thus concentrated on the banks of one of the most exposed harbors in the world, is liable to the insult and depredation of the most despicable force. Two seventy-four-gun ships may at this moment lay that city under contribution or in ashes, altogether with impunity. They might make it the interest of the inhabitants of that city to pay an amount equal to the whole annual revenue we derive from it, rather than submit to the hazard and miseries of bombardment and conflagration. For in such case the mere destruction of property is but an item in the account of anticipated misfortune. The shock to credit; the universal stagnation of business; the terror spread through every class, age, and sex; the thousands who have no refuge in the country, but must take the fate, and be buried under the ruins of their city—all these circumstances would enter into a consideration, and make the pecuniary sacrifice, however great, appear trifling in comparison.

I have used the city of New York only by way of example. The same observations are applicable to every other commercial city in the United States, in proportion to its magnitude and the nature of its situation. Two seventy-fours might sweep the coast from Savannah to Portland, and levy an amount equal to the whole annual revenue of the United States. It would be better for any city voluntarily to pay a contribution equal to its proportion of that amount, rather than to take the alternative of that destruction to which, on refusal, it would be obliged to submit. Is such a state of things as this a light and trifling concern? Are such portions of the wealth of the community to be left exposed to the caprice of every plunderer; and are propositions to protect them to be treated

with contempt or with ridicule? Can any duty be more solemn or imperious than that which has for its object a rational degree of security for those points in the United States which are beyond all others exposed to hostile attack, at the same time that they comprise within the smallest possible compass, immense masses of the national wealth and population?

The importance, then, of the objects to be defended will be admitted. But the utility of fortications as a means of defence, and their practicability in certain ports and harbors, are denied. With respect to the general utility of fortifications, I ask by whom it is denied? by men interested in that species of defence? by the inhabitants of cities? by those, the necessity of whose situation has turned their attention to the nature of fortifications and their efficacy? No, sir; these men solicit them. They are anxious for nothing so much. They tell you the safety of all they hold dear, their wives, their children, their fortunes, and lives, are staked upon your decision. They do not so much ask fortifications as a favor; they claim them as a right; they demand them. Who are they, then, who deny their utility? Why, men, from the interior; men, who in one breath tell you they know nothing about the subject, and in the next pass judgment against the adoption of any measures of defence. It is true, sir, to men who inhabit the White Hills of New Hampshire, or the Blue Ridge of Virginia, nothing can appear more absolutely useless than appropriations for the defence of the seacoast. In this, as in all other cases, men reason very coolly and philosophically concerning dangers to which they are not themselves subject. All men, for the most part, bear with wonderful composure the misfortunes of other people. And, if called to contribute their relief, they are sure to find in the cold suggestions of economy, enough apologies for failure in their social duties. The best criterion of the utility of fortifications, is the practice and experience of other nations. Now, I ask, was there ever a nation which did not defend their great commercial deposits by either land fortifications or sea batteries? All history does not exhibit such an instance. Are we wiser, then, than all other nations? or are we less exposed than they? are we alone to escape the common lot of humanity? can we expect to be rich and not tempt the spirit of avarice? to be defenceless amid armed pirates, and in no danger of robbery or insult? I ask again, sir, how is the inutility of fortifications proved? Suppose, for the sake of argument, it should be admitted, which, however, I deny, that they cannot be erected in sufficient force to defeat very great armaments; yet is it nothing to prevent the piratical attempts of single ships? Is it nothing to deter an invader? nothing even to delay an attack? Is it worth nothing to have the chance of crippling an assailant? The only argument I have heard urged against the utility of fortifications, is, that the whole coast cannot be fortified, so that, protect as strongly as you will particular points, the invader will land somewhere else. Sir, this is the very object of fortifications. No man ever thought of building a Chinese wall along all the indentations of our shore, from St. Mary's unto St. Croix. The true object of fortifications is to oblige your enemies to land; it is to keep them at arm's length. If they cannot reach your cities with their batteries, and would attack, they must come on shore. They are then only a land force, and our militia will find no difficulty in giving a good account of them. The only remaining evidence in the possession of this House, against the utility of fortifications, are the opinions of various gentlemen, delivered on this floor; and that of the Secretary of War, as stated in his report. As to the former, they certainly do not merit a serious refutation, because no gentleman who has spoken has pretended to a practical or even theoretical knowledge of the subject; but, on the contrary, most, if not all, of them, have candidly confessed their ignorance. It is of more importance to consider the opinion of the Secretary at War. That part of his report which relates to the harbor of New York contains his general opinion against the practicability of defending such an harbor by land batteries, and two facts in support of that opinion. Now, as to the general opinion of the Secretary, I am willing to allow it whatever weight any gentleman may choose to attach to it; but certainly it ought not to be conclusive in an affair of such immense importance; especially when it is contradicted by the tenor of the applications on your table, and by the opinions of other individuals of as high military and scientific reputation as the Secretary. Much less does this, his opinion, claim from us implicit confidence, since the only two facts he has chosen to adduce, are very far from being a sufficient basis for the broad opinion he has built on them. The first fact is one which occurred in the harbor of New York, in 1776. A British ship of forty guns passed the batteries on the Hudson, under circumstances favorable to the effect of the batteries, and sustained a *tremendous cannonade*, without being sensibly *incommoded*. Allowing this fact its full force, it can weigh but little against the utility or practicability of fortifications. That was the second year of the war; our batteries were erected on sudden emergency; our artillerists had probably little experience.

Will it be pretended that the batteries this nation, in its present state of affluence and experience, can erect, will not exceed, both in location and power, those which at that time protected the Hudson? Besides, to draw from a particular instance a general conclusion, is contrary to all rules of just logic. Various circumstances, altogether accidental, might have occurred to have produced that result, which might never occur again. If this instance be a good argument against the utility of land fortifications, there is an equally strong argument in the history of our Revolution, against the fashionable mode of defence by gunboats. I take the fact only from verbal information, and if I am incorrect, there are gentlemen on this floor who can set me right. During the war, a British frigate of forty-four guns, called the Roebuck, took ground in the Delaware; and though we had gunboats, *quantum sufficit*, who pelted her to their

heart's content during one whole tide, she received no manner of injury, at least none of any importance. If I have this fact correctly, it is just as strong against the efficacy of gunboats, as that produced by the Secretary is against land batteries. One word here concerning this mode of defence by gunboats, which seems to concentrate all the naval affections of our rulers, and to have on freight all their military hopes. It is not denied that these are weapons of considerable effect, or that in certain situations they are useful, or that in aid of other and heavier batteries, they may not sometimes be important. It is only when they become the favorites, to the total exclusion of more powerful modes of defence, and draw away to the less power appropriations that are wanting for the greater, that the system which upholds them becomes an object of contempt or of dread. Now-a-days, sir, put what you will into the crucible, whether it be seventy-fours, or frigates, or land batteries, the result is the same; after due sweltering in the legislative furnace, there comes out nothing but gunboats. I ask, if our cities are attacked by any maritime nation, will it not be by line-of-battle ships? And who ever heard that a line of-battle ship was defeated by gunboats? I do not pretend to be learned in these matters, but as far as I have been able to gain information, it is, that when there is anything of a heavy sea, even such as is often in the harbor of New York, gunboats are of very little efficacy. It is true, in case of a calm, if they can get their object at rest, they have great advantage; that is, if you can get the bird to stand still until you can put salt upon its tail, you can catch the bird. But the worst of it is, that it is too cunning for that. The ship-of-the-line chooses its own time for the attack, and will always select that which is least favorable to its adversary.

But, to return to the report of the Secretary at War. The next fact it states is the battle of Copenhagen. Now, if this be admitted merely as an evidence of a particular instance of the inefficacy of land batteries, I do not think it important enough to take the time to examine. The true question is not whether New York can be defended in a particular way, but whether it is capable of defence at all, by combining land with floating batteries? In this point of view, the instance adduced by the Secretary is, perhaps, the most memorable on record, and the one, of all others, in which those who advocate a defence of our commercial cities, ought to exult as in an incontrovertible evidence of the truth of their system. What was the fact? One of the best appointed naval armaments of the most powerful maritime nation in the world, under her most favored and fortunate commander, was sent to attack Copenhagen. The Danes were taken by surprise. Everything, apparently, was in favor of the assailant and against those who acted on the defensive. To fifteen line-of-battle ships, the Danes had nothing to oppose but their land and harbor batteries, fortifications, and block ships. And what was the result? Why that, after a most bloody and well-contested battle, the British first asked a truce. To this day the Danes claim the victory. Olfert Fischer, the Danish commander, in his official statement of the battle, declares that, before the flag of truce was offered, two of the British ships-of-the-line had struck their colors, and that, for some time, their whole force was so weakened that it fired only single guns. Intelligent Europeans assert, and even candid Englishmen will allow that, if ever Nelson was beaten, it was on that occasion. But, suppose all this to be erroneous. Suppose that Nelson obtained a real victory—does it thence result that the fortifications and block ships with which Copenhagen was defended were useless? By no means. Still that battle is an illustrious and irrefragable instance of their utility. It is a fact on record, worth a million theories in favor of the efficacy of a harbor defence against a maritime force. Sir, the end for which those batteries was erected is attained. Copenhagen is defended. The storm which would have desolated the city has spent its force on the artificial shield. Let gentlemen calculate the probable cost of those batteries; and suppose by expending a similar sum in the harbor of New York, that city might be defended as Copenhagen was, and from a like danger—is there a man that can hesitate as to the wisdom of such an expenditure? Sir, the city of Copenhagen, on that day, was preserved from a devastation, which the cost of twenty such batteries would not have repaired. I conclude, then, that our commercial cities can be defended. Land batteries combined with harbor batteries are equal to the object. To this question of practicability, concerning which so much is said, I humbly conceive this is not the place where it ought to be decided, it belongs to the Executive; that is the proper department to examine it. Our duty is to make the appropriations; to show, at least, a disposition to defend. If New York cannot be defended, is it the same case with Charleston, Savannah, or Norfolk? Shall we leave the whole defenceless, because a particular part is vulnerable? Sir, let us confess the truth. The limit of our power to defend is not in the nature of the cities, but in our disposition to appropriate; not in the inefficacy of land or harbor batteries, but in our insensibility to the danger of the commercial cities and unwillingness to make the pecuniary sacrifices their protection requires. On all sides we are met with the objection, "where are the means?" "How is the public debt to be discharged, if we incur such an expense?" Mr. Chairman, none of these difficulties are insurmountable when Southern land is to be purchased, or when our new territories on the Missouri and Red river are to be explored, or when Indian titles in the Western country are to be extinguished. We have paid within these two years fifteen millions of dollars for Louisiana, and have sent off two millions more to purchase the Floridas. I ask, on what principle can either of these purchases be made palatable to the people of the United States? Do they want more land, or wider dominions? On either of these considerations, would they for one moment have submitted to either purchase? It was

because the possession of the Mississippi through its whole course was essential to the security and happiness of our brethren beyond the mountains, that the purchase of Louisiana was sanctioned by public opinion; and if ever that of the Floridas receive the acquiescence of the people, it will only be from the conviction that the possession of those countries is necessary for the tranquillity of our southern frontier. All this we have done for the security of the South and West. We now ask for reciprocity; grant us something for the security of the North and East. Let not the people see that all the incomes proceed from one quarter of the Union, and all the expenditures are made in another. Let them not learn, from experience, that the ball of favoritism, and that of empire, is travelling south and west. I ask, what are the Floridas, or what is Louisiana, in comparison with the single city of New York? This city alone is worth forty Louisianas. Yet, when Louisiana was purchased, did the increase of the public debt prevent the bargain? Or, of late, was the question of "means" an obstacle to the appropriation for the Floridas? The seventeen millions of dollars thus expended for the security of the South, would have put every commercial city of the United States into a complete state of defence. I do not, Mr. Chairman, introduce the purchase of Louisiana and the Floridas in this connexion lightly, or without antecedent reflection. I would hold up to this House a mirror, in which it may contemplate itself, and see its own features. It is impossible not to remark that the sympathies of the majority of this Legislature do not extend to the seacoast. But, whatever will meliorate the condition of the interior, excites all its sensibilities and awakens all its anxieties. Look, at this moment, on your table; there are no less than four, I believe five Indian treaties, which have been ratified the present session, the appropriations for which, occasion no alarm about the public faith or the public purse. It is worth our while to notice the particulars:

By these treaties the United States agree to pay first, cash down - - - -	$37,600
Next, the following annuities:	
$1,600 for ten years - - -	16,000
12,000 for eight years - - -	96,000
11,000 for ten years - - -	110,000
	259,600
In addition to which, we are to pay other annuities, amounting to $4,000 forever. These last cannot be estimated at less in any market than $50,000, but which I rate only at - - - -	$40,400
	259,600
	300,000
Besides which, our appropriations for the Indian department and for the support of the civil government of Louisiana, and our other Southwestern territory, exceed	150,000
	$450,000

Thus, in this single session, we shall appropriate four hundred and fifty thousand dollars, for the security and the protection of the Southwest. But, for our ports and harbors, an appropriation of one hundred and fifty thousand dollars, for the mere repair of old fortifications, is thought to be an enormous expenditure. Even this is violently opposed. But any additional sum to begin new works, is not only hopeless, but cannot be even named without exciting a smile of contempt.

Now, let us look at the other side of the account. It will be found, by the report on your table, that the nine capital cities of the Union—Portland, Portsmouth, Boston, Newport, New York, Philadelphia, Baltimore, Norfolk, and Charleston—have had expended in fortifications, for their defence, since the establishment of the Federal Government, only seven hundred and twenty-four thousand dollars! That is to say, your appropriations in one session for the security and comfort of the Southwest, is more than half the whole amount expended during sixteen years for the security of all these great commercial cities, which contain two or three hundred thousand inhabitants, and which paid into your Treasury the last year, upward of nine millions of dollars!! It is impossible that this state of things should not be understood and realized by the people of these States, and that at no very distant period. It requires only some actual suffering, some real misfortune, resulting from your ill-timed parsimony, or misplaced affections, to rouse a spirit in the commercial States which will shake this Union to its foundation.

Of all times, those will be the most dreadful, and the most to be deprecated by every real lover of his country, when the party passions shall run parallel to local interests. Whenever any great section of the Union shall deem itself neglected, and the opinion becomes general among the people that they are sacrificed or abandoned; that they have not any, or their just weight, in the national scale, a series of struggles must commence, which will terminate either in redress or in convulsions. Events of this kind are not to be prevented by common-place declamation about submission to the will of the majority. A real reciprocity must exist. Intelligent men must see and feel that a regard, proportionate to their real interest at stake in society, is entertained for them by their rulers. With such perception and experience your Union is a bond of adamant, which nothing can break. Without them, I will not say it will be dissolved, but this I will say, it cannot be happy, even if it should be lasting.

It is impossible to form a just estimate of our obligations to defend the commercial cities, without having a right idea of the nature and importance of our commerce to the Eastern States, and attaining a just apprehension of its influence over every class of citizens in that quarter of the Union. From what has fallen from various gentlemen in the House, it is very apparent that they do not appreciate either its nature, its power, or the duties which result from our relation to those who are engaged in that pursuit. The gentleman

from Virginia (Mr. John Randolph) told us the other day "that the United States was a great 'land animal; a great mammoth, which ought to 'cleave to the land, and not wade out into the 'ocean to fight the shark." Sir, the figure is very happy so far as relates to that quarter of the Union with which that gentleman is chiefly conversant. Of the Southern States, the mammoth is a correct type. But, I ask, sir, suppose the mammoth has made a league with the cod, and that the cod, enterprising, active, and skilful, spreads himself over every ocean, and brings back the tribute of all climes to the feet of the mammoth; suppose he thereby enables the unwieldy animal to stretch his huge limbs upon cotton, or to rub his fat sides along his tobacco plantations, without paying the tithe of a hair? In such a case, is it wise, is it honorable, is it politic, for that mammoth, because by mere beef and bone he outweighs the cod in the political scale, to refuse a portion of that revenue, which the industry of the cod annually produces, to defend him in his natural element; if not against the great leviathan of the deep, at least against the petty pikes which prowl on the ocean; and if not, in the whole course of his adventurous progress, at least in his native bays and harbors, where his hopes and wealth are deposited, and where his species congregate?

Other gentlemen have shown an equal want of a just apprehension of the nature and effects of commerce. Some think any of its great channels can be impeded or cut off without important injury. Others, that it is a matter of so much indifference, that we can very well do without it. The gentleman from Pennsylvania (Mr. Smilie) told us some days since, "*that for his part he wished that at the time of our Revolution there had been no commerce.*" That honorable gentleman, I presume, is enamored with Arcadian scenes, with happy valleys. Like a hero of pastoral romance, at the head of some murmuring stream, with his crook by his side, his sheep feeding around, far from the temptations, unseduced by the luxuries of commerce, he would "sport with Amaryllis in the shade, or toy with the tangles of Nerea's hair." I will not deny that these are pleasant scenes. Doubtless they are well suited to the innocence, the purity, and the amiable unobtrusive simplicity of that gentleman's mind and manners. But he must not expect that all men can be measured by his elevated standard, or be made to relish those sublime pleasures. Thousands and ten thousands in that part of the country I would represent have no notion of rural felicity, or of the tranquil joys of the country. They love a life of activity, of enterprise and hazard. They would rather see a boat-hook than all the crooks in the world; and as for sheep they never desire to see anything more of them than just enough upon their deck to give them fresh meat once a week in a voyage. Concerning the land of which the gentleman from Virginia, (Mr. J. Randolph,) and the one from North Carolina, (Mr. Macon,) thinks so much, they think very little. It is in fact to them only a shelter from the storm; a perch on which they build their eyrie, and hide their mate and their young, while they skim the surface or hunt in the deep. The laws of society and the views of enlightened politicians ought to have reference, not to any ideal, theoretic state of human perfection, but to the equal protection and encouragement of every species of honorable industry. I know it has been said by way of apology for not doing anything more in defence of commerce, that it already was indebted for its prosperity to our laws and regulations. The gentleman from Virginia (Mr. J. Randolph) told us, expressly, "that the votes of Southern men had given us our drawbacks and discriminating duties," whence he would conclude that our commerce and navigation had nothing more to ask at their hands. The honorable Speaker, too, referred the prosperous condition of our commerce to the adoption of the Constitution, and to the provisions established under it. I am the last man in the world to deny the happy influence of that instrument in meliorating the condition of this nation. But our commercial prosperity is owing much more to accident and nature, and much less to law, than we are apt to imagine, or are willing to allow. Every year we get together on this floor to consult concerning the public good. The state of commerce makes a capital object in all our deliberations. We have our Committee of Commerce and Manufactures, and a great part of every session is exhausted in discussing their provisions, limitations, and restrictions, until at last we slide into the belief that commerce is of our creation; that it has its root in the statute book; that its sap is drawn from our parchment, and that it spreads and flourishes under the direct heat of the legislative ray. But what is the fact? Look into your laws. What are they? Nine-tenths—I should speak nearer the truth should I say ninety-nine hundredths of them, are nothing more than means by which you secure your share of the products of commerce; they constitute the machinery by which you pluck its Hesperian fruit, and have nothing to do with the root that supports it, or with the native vigor which exudes into this rich luxuriance. Sir, the true tap-root of commerce is found in the nature and character of the people which carry it on. They and their ancestors, for nearly two centuries, have been engaged in it. The industry of every class of men in the Eastern States has reference to its condition, and is affected by it. Why, then, treat it as a small concern; as an affair only of traders and of merchants? Why intimate that agriculture can flourish without it? When, in fact, the interests of these two branches of industry are so intimately connected that the slightest affection of the one is instantly communicated to the other. I know very well that there is a great difference between the relations of commerce and agriculture in the Southern and in the Eastern States: and this is one of the chief causes of that diversity of sentiment which now prevails among those who dwell in these different parts of the Union. In the Southern States there are comparatively few, if any, who depend on commerce altogether for subsistence. Whatever affects commercial prosperity, produces no general dis-

tress or discontent. Perhaps insurance or freight may advance a little in consequence of its embarrassment. Perhaps one or other of their great staples may find not so ready or so high a market. But these inconveniences throw none out of employment, or out of bread. Very different is the state of things in the Eastern States. Their commerce is not merely, as the honorable SPEAKER called it, "a wagon—a mode of conveyance of products to the consumer." It is more, infinitely more; it establishes within the country an immense fund of internal consumption. All its dependants—merchants, tradesmen, mechanics, seamen, and laborers of every class and description—look to it, either for that profit which makes a great portion of their happiness, or for that employment on which their subsistence depends. The state of agriculture is adapted, and has been for centuries, to the supply of the wants of this internal consumption. The farmer is bound to commerce by a thousand intimate ties, which, while it is in its ordinary state of prosperity, he neither sees nor realizes. But let the current stop, and the course of business stagnate in consequence of any violent affection of commerce, the effect is felt as much, and in some cases more, by those who inhabit the mountains as by those who dwell on the seacoast. The country is associated with the city in one common distress, not merely through sympathy, but by an actual perception of a union in misfortune. It is this indissoluble community of interest between agriculture and commerce, which pervades the eastern portion of the United States, that makes our treatment of the commercial interest one of the most delicate, as well as important questions that can be brought before this Legislature. That interest is not of a nature long to be neglected with impunity. Its power, when once brought into action by the necessity of self-defence, cannot but be irresistible in this nation. Sir, two-fifths of your white population are commercial; or, what is the same thing, as to its political effect, have their happiness so dependent upon its prosperity, that they cannot fail to act in concert, when the object is to crush those who oppress, or those who are willing to destroy it. Of the five millions which now constitute the white population of these States, two millions are north and east of New Jersey; this great mass is naturally and indissolubly connected with commerce. To this is to be added the like interest, and that of no inconsiderable weight, which exists in the Middle and Southern States. Are these powerful influences to be forgotten or despised? Are such portions of the Union to be told that they are not to be defended, neither on the ocean, nor yet on the land? Will they, ought they to, submit to a system which, at the same time that it extracts from their industry the whole national revenue, neither protects it abroad nor at home? It needs no spirit of prophecy to say that they will not. No power on earth can prevent a party from growing up in these States in support of the rights of commerce to a sea and land protection. The state of things which must necessarily follow, is of all others to be deprecated. As I have said before, when party passions run parallel to local interests of great power and extent, nothing can prevent national convulsions; all the consequences of which can neither be numbered nor measured. Mr. Chairman, I do not introduce this idea to threaten or terrify. I speak, I hope, to wise men, to men of experience, and of acquaintance with human nature, both in history and by observation. Is it possible to content great, intelligent, and influential portions of your citizens, by anything short of a real attention to their interests, in some degree proportionate to their magnitude and nature? When this is not the case, can any political union be either happy or lasting? Now is the time to give a pledge to the commercial interests, that they may be assured of protection, let whatever influence predominate in the Legislature. A great majority of this House are from States not connected intimately with commerce. Show, then, those who are, that you feel for them as brothers; that you are willing to give them a due share of the national revenue for their protection. Show an enlightened and fair reciprocity. Be superior to any exclusive regard to local interest. On such principles, this Union, so desirable, and so justly dear to us all, will continue and be cherished by every member of the compact. But let a narrow, selfish, local, sectional policy, prevail, and struggles will commence, which will terminate, through irritations and animosities, in either a change of the system of Government, or in its dissolution.

Mr. DAWSON said he was sorry the motion was made. He did not believe, from the discussion the subject had undergone, that the House would undertake to say on what objects the sum appropriated should be applied. The sum proposed to be appropriated by the bill was $150,000. He was averse to going beyond that sum, and he was well persuaded that any attempt to go beyond it, would have a tendency to defeat the bill altogether.

Mr. SMILIE declared himself against the amendment, but willing to grant the sum applied for by the proper officer.

The question was then taken on Mr. MASTERS' motion, and lost—only twenty-one members rising in its favor.

Mr. DAWSON stated that the fate of the frigate Philadelphia was well known, and added that the frigates Boston and General Greene had been condemned as unfit for service. To supply the deficiency in the Naval Establishment, he offered a new section appropriating a sum not exceeding $500,000, to enable the President to cause three additional frigates to be built.

Mr. LYON moved to add, after frigates, "or two seventy-fours."

Mr. LYON.—Ignorant as I may be supposed with respect to nautical affairs, it will no doubt be thought presumptuous for me to join in this debate, or to offer my crude opinions to the Committee. I can assure you, sir, that so fully am I persuaded of this, and so little hope have I that anything I can say on this subject will alter the

opinion of one gentleman on this floor, that I would have given a silent vote on this extremely important question, did I not know that this is a question of the first magnitude, as it respects the interest of the Western country, and did I not feel it my duty to attempt an explanation of that interest.

The question before us I view to be merely this, will the nation afford the reasonable encouragement and protection within her power to her own commerce, carried on in the vessels of her own citizens, built of her own materials, and by her own artificers? Or, in other words, will you afford a reasonable share of that revenue which you derive from commerce to its protection? While commerce is paying your national debt; while she supports your civil list and your War Department; while she pays immense sums under the heads of foreign intercourse, and Mediterranean and Indian tributes; while she is adding to your dominion the finest rivers on the globe, with numberless millions of the richest acres, and while she furnishes you with the products of every other country at a reasonable price, thereby greatly enhancing the value of the produce of your own, at the same time increasing her own power of serving you in a compound ratio of about ten per cent., will you suffer her wings to be clipped, and her vitals to be struck at by every foreign robber who can set afloat a bark able to carry a gun? The documents laid before you from the Treasury Department, show that I am within bounds when I thus describe the powers and the utility of this, I had almost said, omnipotent handmaid—commerce. While the petitions from the merchants all along the seaboard with which your tables have been loaded, together with the newspapers you every day read, portray a share only of the injuries commerce sustains, and the dangers to which she is exposed, they justify me in asking the question: Will gentlemen, I say, sir, like the avaricious boy in the fable, kill the goose that lays the golden egg? Or shall the ox that treads out the corn be muzzled, and starved in the midst of surrounding plenty?

I know very well I am addressing two classes of gentlemen who are in the habit of viewing this subject in a light very different from myself. The first class, the largest, and very respectable they are indeed, consists of back-country gentlemen, who live inland, all along from New Hampshire to Georgia; being but little interested in commerce themselves, many of them believe that by the destruction of foreign commerce, their constituents will be driven to provide their own necessaries by their own industry, and that it will be a blessing to them. I fear, sir, these gentlemen do not reflect with due consideration; if they did, they would see that by the destruction of foreign commerce, they will be obliged to recur to internal taxation, at a time when every source is dried up from which the people have been in the habit of receiving money to pay their taxes. I fear, sir, that those gentlemen have not sufficiently examined the truth of the position, that the necessity of satisfying the mere wants of nature seldom excites industry, and that industry is produced only by a desire to obtain those things which meet the artificial wants of man. I fear, sir, they disregard the well-founded maxim, that in proportion as a nation neglects and despises commerce she approaches to barbarism.

To this class of gentlemen permit me to say, that when, by my situation, I was exposed to all the prejudices which back-country people have imbibed on this subject, I saw, as clearly as I now do, the prospect and the necessity of this nation becoming a great maritime Power. I saw that the industry of the nation, and her first interest, I mean the agricultural interest, would be best promoted by providing for the defence of the general commercial enterprise of our fellow-citizens, who ventured to build vessels and embark their property on the ocean; I voted accordingly, under the former Administration, until I found the land was to be taxed to build ships of war. I thought it time then to pursue a different course, and although we have now an Administration in whom I place the most unbounded confidence, and my geographical situation is changed to a part of the United States by far the most interested of any in the protection of the commercial enterprise of the nation, as I shall hereafter show, I would not vote for money for the Navy which is to be drawn from a land tax, or which is wanted to fulfil the engagements of the Government for the payment of the national debt. To the other class of gentlemen who look upon this subject in a light different from me, and who live on or near the seacoast, in the Middle and Southern States, let me be permitted to observe, that seldom seeing the want of shipping to carry away the produce of their lands, I fear they feel but little for those who are differently situated. I have often heard those gentlemen say, that "we as a 'nation have no business on the ocean; there are 'foreigners enough who wish to carry our pro-'duce to their own countries; let them do so, we 'have employment enough for our people on the 'land; let them till the ground." But, sir, the Western people cannot say that foreigners will carry away their produce; and as for our Eastern brethren, who have not the most productive soil, they are blessed with industrious hands and prolific wives; they have already a plentiful population, whose adventurous and enterprising genius has led them to be familiar with the seas, from the neighborhood of the north to that of the south pole. To the northwest coast of America they are no strangers. Kamschatka, Japan, China, and the Indian seas, are nearly as familiar to them as the Mediterranean, the Baltic, the Bay of Biscay or the Bay of Fundy. In the construction of ships they stand behind no people on earth. They claim a right peaceably to navigate the seas in all their lawful and honest pursuits; they have a claim on the nation for every reasonable support of that right. It is enough, sir, that they have to encounter the danger of the boisterous elements, on which they toil for our comfort and accommodation. It is too much for us tamely to suffer to be added to those dangers the dep-

redations of robbers and freebooters. We ought surely to be prepared to protect them on our own coasts. In the mouths of our own harbors our own fellow-citizens have been robbed of their hard-earned pittance, and within a few hours' travel of their wives and their families, the very men to whom we are indebted for having procured the luxuries, and I may say, the necessaries with which our tables are provided, have been dragged by a cruel banditti into the service, and compelled to fight the battles of those whose tender mercies are cruelties—the very nation whose soul burns with envy at the prospect of the rising glory of this. How long is all this to be borne with? How long ought it to be borne with, sir? On the other hand, I may be asked, how is it to be remedied? In that case I will answer, it may be long before it can be completely remedied; in the meantime every reasonable effort in our power is due from us. Some gentlemen say, let us defend our commerce by treaties; we will refuse our custom to Britain; we will not receive her unnecessary manufactures, unless she will give up our seamen and recognise our rights. I also say, treat, sir; I say punish those who invade your rights by non-importation laws, as far as that will go, but with all the treaties we can make, I should like to see a demand made by a commander of an American ship of superior force, on our coast, on a commander of a British ship, for the surrender of the American citizens on board his ship who had not voluntarily enlisted. In that case, with a treaty on your side, you might look for a compliance. Some gentlemen, who place their confidence in treaties, expect that, Bonaparte having reduced the British pride by his conquests in Germany, the British Court will be obliged to acknowledge the principle of free ships making free goods. I have heard talk of a convention of the Ambassadors of the Powers whose commerce is endangered by the pernicious principles and the powerful grasp of Britain, and that this nation ought to have a representation in that convention, which is to force on Britain the principles of the armed neutrality of 1780. If ever there is to be such a convention, it must consist of those nations who can compose an armed neutrality. If the Legislature of this country set their faces against the increase of their naval strength, what pretensions can we have to a representation in the convention sitting for the purpose of agreeing on and demanding the principles of the armed neutrality? I confess in that case I see none. But, sir, let it be known that you have determined to increase your naval strength, with the increase of your means, and your representative will stand on a very respectable footing in such a convention, if there should be any such. I have but little hope of such a convention. I believe Bonaparte thirsts for universal dominion; now he has got the way open for such a convention we hear nothing of it. I believe he will let conventions talk while he acts, and I believe he will attempt to possess himself of the British navy, by seizing on their masters in London; and should he, under the smiles of fortune, who has hitherto proved his friend, be able to get possession of that navy, he will, in defiance of conventions and armed neutralities, dictate to the nations of the earth terms more severe than that nation now does who claims to be mistress of the ocean. But, sir, this is taking up the time of the Committee with mere conjecture; I will talk of reality. It is really well understood at this day, that treaties unsupported by power are no longer regarded by the nations who make them than they comport with their interest. Either party will break them when interest dictates. How many evidences have we had of the truth of this position during the little time this nation has existed? The very statute book on your table contains a law of the United States entitled, "An act to declare the treaties heretofore concluded with France no longer obligatory on the United States." Has it not during this session been proposed to repeal the British treaty? If it has not been proposed in due form, it has been much talked about, and if I mistake not, by a gentleman who was one of those who sanctioned that treaty, by a vote for the appropriations necessary to give it effect. He, I believe, has suggested that it might be repealed.

I say, make treaties, sir, but after making treaties, the sure way to have them respected is to be able, in some degree, to enforce them. It is certainly in our power to give that protection to our commerce on our coast, and in the neighboring seas, which can suppress and keep in awe all pirates and robbers, let their ships be large or small. I am far from expecting that this young nation can meet the whole British force on the element they have long called their own; but I wish the Legislature to dispose of a considerable share of the present and the future increasing surplus of the revenue in providing for that defence which our commerce stands in so much need of. But some gentlemen say, if we build 74-gun ships, we build them for the British; have we not built frigates without building them for the British? Have we not safe harbors for our ships to retire to whenever a superior fleet of any nation visits our coast? Visit it is all they can do, and while they are uncomfortable abroad, our naval force may be comfortable at home, and out again when the superior force retires. Can we be excused in doing nothing at all, because we cannot do everything, because we are not able immediately to create a fleet superior to that of any other nation? Shall we sit down with folded hands, determined to bear every insult, every injury, and every degradation that shall be offered? No, sir, I hope not. I believe this nation is destined, at some future day, to wrest the trident from the very same hand that now holds it. It is my wish to see my coadjutors of this day possessed of a share of that patriotic enthusiasm which will prepare the way, and lead to the speedy completion of that glorious event. But, sir, it has been often said that the maintenance of a naval force is impracticable in a free country; that impressment must be resorted to, and impressments constitute slavery.

Are not many of the principles of our Constitution new, as they respect ancient or modern republics? Has not our own experience and progress in the business of government been a constant contradiction to theories and theorists? Are you not told at this day that a republican form of government cannot be supported in Europe, notwithstanding the example of this nation before their eyes?

Because Britain is obliged to make use of a press-gang to man her fleet, which goes abroad in pursuit of conquests, in which the lives of poor fellows are sported away, who have no interest in the issue, shall it be said that we shall be obliged to press our gallant, our patriotic seamen? No, sir. Our sailors are the children, not the outcasts of the nation; they will volunteer to cruise in the neighboring seas to defend their own gallant comrades, and the property of the men who give them employ. No, sir, we can never have occasion to press sailors. The same fisheries which have long been the boasted nursery for British sailors lie at your door, and will always give employment in time of peace to our seamen; we have an immense coasting-trade, which is a school for seamen; we shall find seamen as fast as we shall build ships, and so far do our seamen exceed all others, that American ships are navigated with about half the hands that are employed by any other nation to navigate ships of equal burden. But suppose, sir, that all the American seamen should be regularly registered and arranged into divisions and subdivisions, on a well-regulated marine militia system, subject to be called upon to do their respective tours of duty as the land militia are. For my part I wish this may be done; no man can doubt the justice or practicability of such a measure. If this should be called impressment, then ordering out the land militia may be called impressment. If it is a hardship for a sailor to be obliged to go a three or four months' cruise in defence of his and his country's rights, for wages fixed on by the Government, is it not also a hardship for a militiaman to be ordered out and obliged to march five hundred or one thousand miles in defence of his own and his country's rights? I do not pretend to be a judge with regard to what sized vessels are best for the defence of our commerce, but that we ought to attempt to defend it, I most religiously believe. One reason that induces me to vote for the resolution now under consideration is, that I incline to think it may be well to have some ships of all sizes; another is, the resolution comes before us sanctioned by the opinion of a respectable committee of this House, as well as that of the President of the United States, in whose judgment in matters of this kind I confide more than in my own. In his communication to this House at the opening of the session, after bringing to our view the pillaged and exposed state of our commerce, he expressed himself in these words: "Considerable provision has been 'made under former authorities from Congress 'of materials for the construction of ships of 74 'guns; these materials are on hand, subject to the 'future will of the Legislature. An immediate 'prohibition of the exportation of arms is also 'submitted to your determination." I am sure that no member, who considered the latter measure as recommended by the President of the United States, can say the former clause is not also a modest recommendation of the President to use the materials and build the 74's. Considerable of those materials spoken of by the President are unfit for any other use than 74-gun ships. This I have from the best authority.

This nation, sir, has been called a great land animal, and it has been wittily said, that she must keep out of the water lest the shark bite off her proboscis; but, sir, if I may be indulged in prophetic allegory, I will say this nation shall be like unto a grand mammoth beaver, the wisdom of her sagacious head, and the industry of her powerful claws, shall raise her agriculture and manufactures to grandeur indescribable; her rivers directed into canals, flowing regularly, like the blood in the veins and arteries of a great animal, shall waft to and from the centre, and from one extreme to the other, her internal commerce, created and supported by her highly improved arts and manufactures; her broad back, extending from the Atlantic to the Pacific, upholding one thousand fine towns and cities, painted with all the variegated colors of a landscape, shall teem with all the richest productions of the globe; it shall be intersected with useful roads and most magnificent causeways; she shall support, in a style of comfort and accommodation heretofore unknown to any nation, one hundred millions of people, free and happy. In those days she shall, by the exercise of her mighty and piscatory tail, sweep from the ocean the pirates of every nation, and she shall give the grateful and consenting world a commentary on the laws of nations, contained in six words, namely: Man shall peaceably occupy the seas.

I believe, sir, I have as great a desire to deserve and obtain the good opinion of this House as most members in it; but unfortunately my zeal in whatever I deem important to the nation, has led some gentlemen at times to attribute to me motives which never govern me. On this occasion I will take the liberty of troubling the Committee with an explanation of that high interest, which, in the outset, I observed the Western country had in the question before the Committee. When I have done this I will rest on the candor of every gentleman to attribute my zeal to the true motive—the interest of the people I have the honor to represent.

I neither wish nor expect to have seventy-four-gun ships built on the Western waters. The shoals at the mouth of the Mississippi will not suffer them to go to sea if they were built there; besides which, I think they ought to be built nearer to the eye of the Government; but, sir, I have a more powerful motive—I mean the interest the Western country has in the sale and the price of merchant ships.

It is too well known to need proof or explanation, that the Western country has, for some

years past, raised more produce for exportation, according to the number of working hands, than any other part of the United States, and that exportation from that country is increasing in a ratio nearly equal to its population. It is also well known that neither foreign nor domestic shippers will come to purchase our produce at our warehouses. No, sir, we do not boast of being able to get rid of our produce with the same convenience the gentlemen from the Southern States can. We have to carry it ourselves many thousand miles before we can find a purchaser, and then too often to a very low market, for want of shipping at New Orleans to carry it from there.

Flat-bottomed boats of fifteen tons burden have generally been used for carrying this produce down; the average price of which is one hundred dollars; five men are employed at the average price of one hundred dollars each; it costs at least one hundred dollars to support the hands down and to support the supercargo while at Orleans, and one hundred dollars more may be set down for insurance. This is eight hundred dollars for the freight of fifteen tons; the flatboat is set adrift, or sold for the price of firewood at most.

Within a short time ship building has been commenced on the Western waters. It is found that ten hands can navigate a ship of two or three hundred tons burden easier and with more safety than five hands can navigate a flatboat of fifteen tons. There is now a ship of 450 tons at the falls of Ohio; she will carry as much as thirty flatboats when navigated by twelve hands; this will save in the construction of flatboats $3,000; she will save the wages of one hundred and thirty-eight men, which is $13,800 more, besides the saving to the country of the labor of one hundred and thirty-eight men three months at least, who may be usefully employed in raising another crop. She will save $6,000 in the provision for the hands and in the insurance. Suppose this ship to be loaded with 4,500 barrels of flour, and suppose we throw off from the $22,800 calculated to be saved, $4,800 for the extra wages of the ship's hands down and for insurance. The saving between carrying down a barrel of flour in this way and in the usual way of flatboats is four dollars at least—a very pretty saving, indeed, sir, in a country where flour has often been sold under three dollars a barrel. A proportionate saving will be made in the carriage of beef, pork, cotton, hemp, tobacco, and almost every other article that we send to market. If the Government extends that protection to commerce, which will hold up the price of American built ships, this saving will be continued; if that protection is withheld, this important saving must be lost to us; and although, at the outset, a considerable share of the saving goes into the pocket of the merchant, it must, if the business of ship building increases, as we would fain hope it will, it must, I say, eventually, by the enhancement of the price of produce, go into the pocket of the farmer.

The State of Kentucky itself could have very conveniently spared 500,000 bushels of Indian corn last year, to be sent, at a great profit, to the Atlantic States, where it seems it was much wanted, had she had sea vessels to send it in. She could do the same this year; yet some persons who ventured to take corn down in flatboats last year to New Orleans, could find no vessels to ship it in, and it was there sold for less than half a dollar a bushel, while, in some of the Atlantic ports, it sold for more than two dollars, and many of them but little short of it. Thus some of our adventurers were ruined, and all injured in a very laudable enterprise.

The State in whose representation I have the honor of bearing a part, includes the river Ohio for near nine hundred miles; it borders on the Mississippi, and includes one-half of that river, about seventy miles; scarce a mile the whole length this way but a site for a ship yard can be found; from the bosom of that State seven fine large rivers discharge themselves into the Ohio; on all which sea vessels may be built, and from thence floated into the ocean. Our white oak, walnut, mulberry, cedar, and locust timber, of which we have an inexhaustible supply, is exceeded by none on the continent. The timber on our best lands, which are to be speedily cultivated, will be destroyed, and no benefit derived from it, unless used within a few years. Our mountains abound in iron ore and stone coal, to which there are fine streams for water-works adjacent. No State in the Union at this time, I believe, produces half as much hemp as Kentucky, and the culture of that article is rapidly increasing in many parts of the Western country.

If, sir, the statements I have made are correct, and I believe no one can doubt their authenticity, it must be seen that no portion of the nation is so deeply interested in the protection of its commerce as the Western people. The laws and regulations of other commercial nations not allowing American built ships to be naturalized, their subjects or citizens seldom buy our ships; the strong current of the Mississippi does not allow them to come back to us, and without the aid of Government in protecting the commerce of the nation, the American merchant cannot afford to buy them; so that just as we have entered on the ship building business, and beginning to see its utility, without that aid and protection we shall be thrown back on our flatboat system, by which one-half the value of our produce is expended in carrying it to a place of shipment.

In another and more important point of view the people of the Western country are more deeply interested in the nation's having some line-of-battle ships than any part of the Union. The produce of that whole country, watered by one one hundred navigable rivers, must empty into the Bay of Mexico at one narrow pass. Any nation with whom we have a difference, possessing a single line-of-battle ship, may block up that pass; our frigates, whose timbers and whose metal are inferior to those of a seventy-four, cannot meet her on equal terms. Thus, while the nation is without ships-of-the-line, as they are called, the merchants who export the produce of

the Western country are momently exposed to ruin, and our produce is subject to perish on the hands of the farmer for want of a market. This argument may be said to apply to New York or some other Atlantic port; but, sir, it applies in a tenfold ratio to the Western country; the blocking up of one of the Atlantic ports would increase the business of another, and although there might be great injury done by such blockade, it would not ruin the whole Eastern country, as must be the case with the Western country in blocking up the mouth of the Mississippi.

The sunbeams of commerce have just began to bless the Western hemisphere with her genial and fascinating smiles by the introduction of ship building; but the late depredations on the commerce of this country cause a darkening cloud to hang over our prospects, and all our fond hopes are in danger of being blasted by what I call a narrow and illiberal policy. I pray God most fervently to open the hearts and eyes of gentlemen on this important subject.

Mr. LYON'S amendment was disagreed to—yeas 28.

When the section offered by Mr. DAWSON was likewise disagreed to—yeas 40, nays 54.

A new section offered by Mr. R. NELSON, authorizing the President to sell such of the national vessels as in his opinion shall be in such a situation as to make it the interest of the United States not to repair the same, was agreed to—yeas 63 nays 35.

The Committee then rose and reported the bill, which the House took into consideration.

Mr. J. CLAY moved to strike out the first section.

Messrs. J. CLAY, R. NELSON, and BEDINGER, supported; and Messrs. DAWSON, VARNUM, GREGG, DANA, and ELMER, opposed this motion, which was disagreed to—yeas 24, nays 76, as follows:

YEAS—Isaac Anderson, David Bard, George M. Bedinger, Robert Brown, Christopher Clark, Joseph Clay, Matthew Clay, Leonard Covington, Peter Early, Peterson Goodwyn, Edwin Gray, John Hamilton, Michael Leib, Patrick Magruder, Roger Nelson, John Rea of Pennsylvania, Jacob Richards, Thomas Sandford, Samuel Smith, Richard Stanford, Philip R. Thompson, Robert Whitehill, David R. Williams, and Alexander Wilson.

NAYS—Evan Alexander, Willis Alston, jr., Joseph Barker, Barnabas Bidwell, John Blake, junior, Thomas Blount, Levi Casey, John Chandler, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, James Fisk, John Fowler, James M. Garnett, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, Joseph Lewis, junior, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, junior, Gideon Olin, Timothy Pitkin, junior, John Pugh, Josiah Quincy, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Jas. Sloan, John Smilie, John Smith, Henry Southard, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Marmaduke Williams, Nathan Williams, Richard Winn, and Joseph Winston.

Mr. MASTERS then moved to amend the bill, by striking out, in the third line of the aforesaid first section of the bill, the words "one hundred and fifty thousand," and inserting in lieu thereof, the words "three hundred and fifty thousand;" which passed in the negative—yeas 31, nays 71, as follows:

YEAS—John Blake, junior, Orchard Cook, Samuel W. Dana, John Davenport, junior, Caleb Ellis, William Ely, Silas Halsey, Seth Hastings, David Hough, Matthew Lyon, Robert Marion, Josiah Masters, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Timothy Pitkin, junior, Josiah Quincy, John Russell, Peter Sailly, Thomas Sammons, Martin G. Schuneman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, and Nathan Williams.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, Thomas Blount, Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Richard Cutts, Ezra Darby, John Dawson, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Jas. M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, David Holmes, Walter Jones, John Lambert, Michael Leib, Joseph Lewis, jun., Patrick Magruder, William McCreery, Nicholas R. Moore, Thos. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thos. Newton, junior, Gideon Olin, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Thomas Sandford, Jas. Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

WEDNESDAY, April 16.

An engrossed bill for fortifying the ports and harbors of the United States, and for building gunboats, was read the third time, and passed.

Mr. THOMAS M. RANDOLPH, from the committee appointed on the fifth ultimo, presented a bill adding to, and amending the different acts of February twenty-seventh, and March third, one thousand eight hundred and one, and May third, one thousand eight hundred and two, "concerning the District of Columbia," and the act of March third, one thousand eight hundred and five, entitled "An act to amend the charter of Georgetown; which was read twice, and com-

mitted to a Committee of the whole House to-morrow.

REDEMPTION OF PUBLIC DEBT.

The House resolved itself into a Committee of the Whole, on the bill supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States."

The CHAIRMAN proceeded to read the bill until he came to the fourth and fifth sections, which authorize the Commissioners of the Sinking Fund to appoint one agent in London, and another in Amsterdam, to receive subscriptions and transfers, and to issue new certificates; and to enable the holders of old six per cent. deferred, or three per cent. stocks, who may become subscribers to the new stock either in the United States or in Europe, and who, on the first day of April next, and on the day of the subscription, shall be resident in Europe, to receive the interest on their stock, either in the United States, or at London, or in Amsterdam.

Mr. VARNUM moved to strike out the fifth section.

This motion was supported by Mr. DAVENPORT, and opposed by Mr. J. RANDOLPH, and disagreed to—ayes 34, noes 42.

On motion of Mr. J. RANDOLPH, the compensation allowed to each of the above agents was fixed at $3,000—ayes 48.

The eighth section was read as follows:

SEC. 8. *And be it further enacted,* That, from and after the first day of April next, whenever it shall be necessary to issue new certificates, either in lieu of such certificates of old six per cent. or deferred stock, as may be lost or destroyed, or by reason of a transfer of such stock from a stockholder to another, or from the books of an office to those of another office; the new certificates, instead of stating the nominal amount of stock which originally was, but is no longer the sum actually due by the United States, shall express the true amount of the annuity due, at the rate of eight per cent. on the original amount of principal, at the time when it shall cease. But all the other provisions heretofore made by law, and now in force, relative to the said stocks, shall remain in full force, as if no alteration had been made in the form of the certificates; and such new certificates may be subscribed, in conformity with the provisions of this act, according to the then unredeemed amount of the principal stock originally due.

Mr. QUINCY moved to strike this section out, under the impression that it impaired the original contract between the United States and the public creditors.

Mr. J. RANDOLPH vindicated the section against this charge.

Mr. DANA did not think it impaired the original contract, but considered it superfluous, as, in his opinion, the power given by it was already vested by law in the officers of the Treasury Department; when the question was taken, and the motion lost, without a division.

Mr. J. RANDOLPH moved to fill the blank in that part of the bill which provides for the conversion of three per cent. stock into six per cent. with "sixty-two-and-a-half;" by which the holder of every hundred dollars, in the three per cent. stock, is entitled to receive sixty-two-and-a-half dollars of six per cent.

Mr. CROWNINSHIELD opposed this motion, as well as the provision for converting the three per cent. into six per cent. stock, under the idea that it would be injurious to the United States.

Mr. J. CLAY defended the provision, and made a detailed argument, to show that it would be beneficial to the United States.

Mr. DANA declared himself in favor of the proposed modification of the public debt.

Mr. JACKSON spoke against it.

Mr. J. RANDOLPH advocated this part of the bill, and Mr. CROWNINSHIELD replied; when the question was taken on the motion of Mr. JOHN RANDOLPH and agreed to—ayes 51, noes 34.

A motion, made by Mr. MUMFORD, requiring the agents, before they enter on the execution of their offices, to take an oath or affirmation for the diligent execution of their trusts, and requiring them to give bonds in one or more sureties, in the penal sum of twenty thousand dollars—was agreed to.

Mr. DANA moved to strike out the words quoted in the following section, with a view of restraining the provisions of the bill to the present three per cents, and, under the impression that, in the new stock proposed to be created, the Government liberated itself from the obligation to pay a certain part of the principal and interest heretofore stipulated:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a subscription to the full amount of the "old six per cent. deferred and" three per cent stocks be, and the same is hereby, proposed; for which purpose books shall be opened at the Treasury of the United States, and by the several Commissioners of Loans, on the first day of April next, to continue open until the seventeenth day of December next following, inclusively, the fourteen last days of each quarter excepted, for such parts of the above-mentioned descriptions of stock as shall, on the day of subscription, stand on the books of the Treasury, and of the several Commissioners of Loans, respectively; which subscription shall be effected by a transfer to the United States, in the manner provided by law for such transfers, of the credit or credits, standing on the said books, and by a surrender of the certificates of the stock subscribed.

Mr. JOHN RANDOLPH and Mr. J. CLAY opposed this motion, and denied the justice of the observation made by Mr. DANA; when the motion to strike out the section was lost without a division.

The Committee rose and reported the bill with several amendments, which were agreed to by the House, and the bill ordered to be engrossed for a third reading to-morrow—ayes 56.

DUTIES ON SALT.

The House resolved itself into a Committee of the Whole, on the bill repealing the acts laying duties on salt, and continuing in force for a certain time the first section of the act, entitled "An

act further to protect the commerce and seamen of the United States against the Barbary Powers," as follows:

SEC. 1. *Be it enacted, &c.*, That, from and after the —— day of —— next, so much of any act, or acts, as lays a duty on imported salt, be, and the same hereby is, repealed, and from and after the day aforesaid, salt shall be imported into the United States free of duty.

SEC. 2. *And be it further enacted*, That, from and after the first day of January next, so much of any act or acts as allows a bounty on exported salt provisions, and pickled fish, in lieu of drawback of the duties on the salt employed in curing the same, and so much of any act or acts as makes an allowance to the owners and crews of fishing vessels, in lieu of drawback of the duties paid on the salt used by the same, shall be, and the same hereby is, repealed.

SEC. 3. *And be it further enacted*, That so much of the act, passed on the 25th day of March, 1804, entitled An act further to protect the commerce and seamen of the United States against the Barbary Powers, as is contained in the first section of the said act, be, and the same hereby is, continued in force until the end of the next session of Congress, and no longer.

Mr. QUINCY moved so to amend the first section as to repeal the act laying a duty on salt, additional to that originally imposed, so as to take off at present the duty of eight cents a bushel. He said he was of the opinion that taking off the whole duty on salt would have an injurious effect. A difference of twenty cents on the bushel would operate very seriously on those who had already made shipments. It was part of the duty of a Legislator to avoid making such sudden changes as tended to destroy the confidence of the mercantile world in the stability of the laws. Whenever changes were made, they ought, in his opinion, to be gradual. Although he considered the general effect of this measure most important, yet, by too sudden an operation, it might affect a respectable class of individuals very injuriously. He would state the effect which he apprehended it would have. Suppose the repeal should take effect on the first day of July. A cargo of salt generally averages about four thousand bushels; the prime cost at Liverpool was about eleven cents a bushel. The cost of the cargo would, therefore, be only $440; the duty would amount to $800; the freight, &c., to about $1,000; making an aggregate of $2,240, which would be the cost in this country, on a mercantile calculation, supposing the present duties to remain in force. The present price of salt in this country was about fifty-three cents a bushel, which would produce something less than $2,240. The reason of the sum for which it is sold being less than that it costs is, that salt is merely made use of, in most cases, as a return cargo. Taking off the duty of twenty cents, would reduce the price to thirty-three cents a bushel, which would detract $920 from the value of the cargo, and would be more than double the prime cost of the salt. To so great a reduction, so suddenly made, Mr. QUINCY said he objected. He had, he said, another reason for being against the section as it stood. The duty on salt was among the duties pledged for the payment of the national debt. At the time this pledge was made, the duty was twelve cents. The additional duty of eight cents was afterwards imposed. His object was, to reduce the existing duty eight cents, and to let the original duty of twelve cents stand, at least, until some notice had been given to the mercantile world. He believed that a reduction of the duty was highly desirable, and would be very popular. He might not, perhaps, object to an entire repeal if time were allowed him to consult his constituents, some of whom might possibly be ruined by it. All things considered, he thought it would be best to reduce the duty at present eight cents. This would leave Congress at liberty, at their next session, to take the entire repeal into consideration, which might be done, in case they considered it eligible.

Mr. J. RANDOLPH said he should prefer the taking off eight cents, rather than suffering the duty to remain as it stood at present; but he hoped the whole duty would be taken off. One of the objections of the gentleman to taking off the whole duty was, that the merchants who have imported salt may be injured by it, and will not be able to compete with those who have imported it duty free. But this argument operated two ways. Did it not apply differently when the duty on salt was first laid? At that time, the very man who now loses, gained in a correspondent ratio. To his mind, Mr. R. said, it was the strangest reason on earth, if this nation wre in a situa tion to give up all its taxes, that it should be said by any gentleman, don't repeal the laws imposing them, because my constituents, the merchants, have paid duties on some of them. If so, your taxes, so far from being diminished, may go on increasing *ad infinitum*. But, the truth is, we have the same right now to take off the duty on salt as our predecessors had to lay it on.

But it seems that the original duty of twelve cents was put into pledge for the payment of the national debt. We were told the same thing five years ago when we proposed to repeal the internal taxes. They were, however, repealed without any violation of the public faith, and wherefore? The nation has contracted a debt to the public creditor, and so long as the Government finds funds wherewith to pay it, the public creditor has no right to ask whether we take it from our coat or breeches pocket? Whether from a land tax, an excise, or from duties on imported articles? The pledge on our side is, to find money. If, after the repeal of this duty, the ways and means for the payment of this debt are found deficient, I agree that we are bound to make good the deficiency. But what do we propose? The amount of the duty on salt is less than $600,000, and at the same time that we take this off, we impose a duty which will produce a million. We take off a duty on a necessary of life, which falls peculiarly heavy on the poor, and on agriculture, and lay an ad valorem duty on gauze, catgut, and the Lord knows what, which produces from three to five thousand dollars more.

Mr. QUINCY asked whether a duty which produced $850,000, a year, which was limited to the

end of the next session, and which was not pledged to the payment of the national debt, could be considered as equivalent to a permanent duty of half a million, imposed by an act which could not be repealed until the debt was paid? He did not think the new tax was a substitute of equal value, and he considered it one of the objects of this bill to get rid of the pledge to pay the debt.

Mr. J. CLAY felt disposed to give every credit to gentlemen in their professions of regard towards the public debt. The answer to the objection was this: A certain fund, arising from the impost, was pledged to the payment and interest of the debt. An act had passed the last Congress increasing the fund appropriated for this purpose, from $7,200,000 to $8,000,000. If the duty on salt was not a component part of this sum, the objection of gentlemen was futile. Now it was a fact, that, so much as this sum was diminished by taking off the $520,000 arising from the duty on salt, so much was it increased by the other duty proposed to be laid by this act. So long as the taxes pledged exceeded eight millions, the Government sacredly regards their engagements. As an answer to all the sensibility displayed by gentlemen for the public faith, permit me, said Mr. C., to refer them to a resolution proposed in the seventh Congress, on the 25th of January, 1802, instructing the Committee of Ways and Means to inquire into the expediency of taking off, or reducing, the duty on brown sugar, coffee, and bohea tea. Another objection urged by gentlemen is, the effect of this bill on the merchants. There is no doubt that, in consequence of it, the price of salt will fall; but, would not this have been the effect on bohea tea, had their measure been successful? The effect, however, will be gradual, and there will be but little loss sustained by any one individual, as the price will begin to fall immediately on taking off the duty. I believe it is not a material error to say, that the traffic is pretty much in the hands of those men who enjoyed it when the duty was laid; and if so, those who now lose, will only lose as much as they before gained. I hope the blank in the bill will be so filled as to give six months notice of the imposition of the duty.

Mr. LYON.—When this proposition for commuting the Mediterranean fund for the salt tax was first introduced, I thought favorably of it. I have always viewed the duty on salt among the most oppressive taxes invented by man, although, since the purchase of Louisiana, the people I have the honor to represent are no longer burdened with that tax, and the revenue derived from it, when it ceases, must be made good by burdening, in some way or other, my constituents. I voted for committing the proposition; but, sir, when I reflect on the subject, and inquire from whence comes this proposition, I am compelled to hesitate, to look at it again and again, and ask, (I will say it in plain English,) whence comes this thing? What is it? May it not be a gilded pill, with a very fair outside, but containing rancorous poison within? When I answer to myself the question, where it comes from? I am obliged to say, sir, it comes from a gentleman (Mr. J. RANDOLPH) who, in the presence of this House, and of the whole nation, has declared himself an enemy to the present Administration; one who has declared that his opposition to that Administration should cease only with his breath. And what has been the conduct of that gentleman on this same subject, (the salt tax,) while he was a friend to the Administration? A proposition was brought forward, not long since, by another gentleman, a gentleman from New York, and one whom I very much respect, (Mr. THOMAS:) but, says the gentleman from Virginia, I have thought of the subject, the Speaker and myself have talked it over, and it will not do, we ought not now to act upon it. This was sufficient, for, at that time, it was indeed, a knock-'em-down argument. What was the conduct of the gentleman from Virginia in 1802, when a motion was before the House for instructing the Committee of Ways and Means to inquire into the expediency of reducing the duty on salt? He would not suffer the question to be put, and urged the previous question; and so much opposed was he to touching the salt tax, that he injudiciously called the member from Delaware (Mr. BAYARD) to order, when speaking against the previous question. Injudiciously, I say, because the Speaker thought so, and the Journal says the Speaker's opinion was confirmed by the House. If, sir, I was opposed to the persons to whom the Executive branch of the Government is intrusted, and was possessed of what is called by some talents, without consistency, without patriotism, and without regard to truth, I would endeavor to wrench from the Executive the means of paying off the national debt, and then I would exclaim against the Executive for not doing it. I would take from them the means of fortifying the ports and harbors, and of defending the commerce of the nation, and then I would encourage another set of the enemies of the Executive to make an uproar about the protection of commerce, and of the defenceless state of the nation, while I bawled out let commerce defend itself, and opposed, by every art in my power, even the means of their obtaining, by negotiation, any redress for the grievances complained of. But, I may be told, sir, that this measure comes recommended by the Committee of Ways and Means. Is not the chairman of that committee (Mr. J. RANDOLPH) the very member who told us a few days ago that the Hornet could not sail for the want of a sting in her tail—for want of a land breeze; and had the hardihood to insinuate to us, that he had kept back the navy appropriations, in order to defeat the will of the constituted authorities of the nation, respecting the purchase of the Floridas? I do not speak of this insinuation on the bare evidence of my own ears, or my own understanding; many gentlemen who were present, have assured me they understood the insinuation as I did. I am well aware that the gentleman from Virginia has condescended to exculpute himself on the score of holding back the appropriations, and in a way that looked more like awkwardness than anything I ever saw done by

that gentleman. I am well aware that he has endeavored to get round the insinuation that I speak of, but I have set all this down on the same side of the book of my memory that I do many other things which come from the same quarter.

Since the proposition for substituting the Mediterranean fund was proposed in this House, a Message has been received from the President of the United States, informing us that the Tunisian Ambassador has made a demand of tribute, on the refusal of which he has declared that war must ensue, which tribute has been refused, so that we have a Tunisian war on hand. Believing, as I now do, sir, that the Mediterranean fund is wanted for the same use it was originally created, namely, the keeping up the force necessary to repel the Barbary Powers, it, therefore, cannot be considered as a substitute for the salt tax; and determined, as I am, not to withhold the means from an Executive that I confide in, an Executive more popular than any who have ever had the guidance of the affairs of this nation, and, in my opinion, most deserving; however much I wish to reduce or altogether do away the duty on salt, I will not vote for it until I can fairly see that so much of the revenue as it produces has become unnecessary, or until I see a substitute, until I see, in an unequivocal manner, an equal portion of revenue coming into the Treasury from another quarter less burdensome to the poorer sort of people. Let me see gentlemen bring forward a bill laying additional duties on green teas, on high priced wines, on cambrics, on laces, on silks, on china ware, and on high priced linens and woollens, which will be an equivalent to the duty on salt, with a section at the bottom repealing the duty on salt, and I will surely vote for it. But, I conclude, the gentlemen will not have time, within the two or three days they have given themselves to stay, to investigate the subject properly. I, for myself, wonder why gentlemen, who feel so much interested in this subject, had not concerted to bring the thing forward earlier. There certainly has been time enough; I cannot think it can receive due attention at this time, but I hope it will be brought forward earlier in the next session. I really, sir, should not dare to go home and tell my constituents that I had voted for a measure which was calculated to leave the Treasury without the means of enabling the Executive to discharge all the engagements of the Government. To the present Executive the Western people impute their being relieved from the odious and most troublesome of all taxes—the stamp act and the excise act. The present Executive they consider as an inseparable barrier between them and land taxes and sedition laws. To support that Executive is their main object at present in electing members of Congress. So popular is the present Administration in Kentucky, that the most influential man in that State could not, after deserting the Administration, much less after having vowed his opposition should cease only with his breath, get an hundred votes for member of Congress.

Whenever a man, who has been suspected of federalism, offers there as a candidate, the first thing he says in his circular letter is, that he is a friend to the present wise and virtuous Administration, and he pledges himself to support the Executive. I am apprehensive that the present Executive is as popular in some other States as in Kentucky, and that the election screw, if I may be permitted to use the phraseology of another member from Virginia, (Mr. Clark,) so much talked of in this House, will squeeze some gentlemen as flat as a pancake, before the first of May, 1807. I am sorry, sir, to have occasion to say so much about the Executive. It is well known to every gentleman, that I vote as independently as any man; but, sir, I have had some small share in effecting the change which brought forward the present men and measures. I have never repented of it; I feel interested in their success, and so long as they promote the interest of the nation, with the same share of wisdom and energy they have done, they shall not want for the small mite of support which I can give them in their executive functions. I can view this business, brought forward at this time, in no other light, under existing circumstances, than an ineffectual grasp at popularity, and an attempt to embarrass the Government. I shall, therefore, oppose it in every stage of its progress.

Mr. Bidwell said that, on a subject so interesting, and which had been viewed in several lights by gentleman who had preceded him, he would take the liberty of offering a few ideas. One objection to the measure, which had been fully answered, was, that the repeal of this duty would be a violation of the public faith. If, after the taking off this duty, there was not a full and complete provision for the payment of the public creditor, there might be some weight in this objection; but, as there was a full and complete provision, that circumstance furnished a sufficient answer. Another objection was, that the repeal would operate injuriously to the mercantile interests. This applied more to the time, than the thing. He was aware that any change which affected the commerce of the country, ought not to be instantaneous, as it might affect existing speculations; therefore, when the question was on filling the blank in the bill, he should be in favor of a day considerably distant. A duty on salt was considered by everybody as an injurious and burdensome tax, and the only serious question he had ever had on the subject, was, at what time it would be safe to discontinue it. It appeared to him that this was a convenient time. Being satisfied of this, he should vote for it, and against the motion to strike out the whole or a part of the section. He believed not only the general expectation of the revenue would justify the repeal, but that it would operate in a salutary manner on all classes of the community. It was burdensome in the interior, more so than on the seaboard; and it was on the agricultural interest that the principal weight fell; it had been cheerfully borne only under the impression that, as soon as circumstances would justify, it would be repealed.

Mr. Dana said, that if gentlemen were disposed

to diminish the revenue, to screw up the Government, and if they were satisfied the Administration could get along without this tax, it would weigh much in his mind in favor of repeal; and, as they were disposed to grapple with difficulties and gain popularity, he believed he would gratify them by voting for the bill.

Mr. QUINCY said, he opposed such an excessive reduction of this duty at once, not only on the grounds he had stated, but on other grounds. In Massachusetts, in the neighborhood of Boston, very extensive manufactories of salt had been established, under the idea that the duty would be continued. The immediate effect of this measure might be to destroy and ruin them.

Mr. ELMER was opposed to both motions under consideration. It was no good reason for continuing a tax, because particular individuals would be injured by its repeal, as they knew, at the time they entered on the business, the right of the Government to take off the tax, and the probability that they would do it as soon as the public exigencies would admit. He should give his voice decidedly in favor of the bill, as it had always been, in his opinion, a desirable object, when it could be done with safety, to dispense with the tax: and if, in the opinion of the officers of the Government, it could be safely dispensed with, he thought it ought now to be done.

The House divided on Mr. LYON'S motion to strike out the first section, which was disagreed to—yea 1.

Mr. QUINCY'S motion to amend the section was likewise disagreed to without a division.

On motion of Mr. J. RANDOLPH, the blank, relative to the time when the duty was to take effect, was filled with the first day of October.

The third section was then read, which continued the Mediterranean fund till the next session of Congress.

Mr. ALSTON observed that, from the present appearance of things, he did not think it advisable that this section should remain as it was, as in six or eight months they would have again the same ground to travel over. His object was permanently to substitute the Mediterranean fund for the salt tax. He had no objection to make the exchange; to take off the perpetual tax on salt, and lay it on these articles. He thought there was no danger in trusting to the wisdom of Congress the discontinuance of the act imposing them; and that as long as there was a necessity for taxes, these subjects of taxation were as unexceptionable as any that could be laid. When they were about to strike so deeply at the revenue, they ought to be certain that the substitute offered would justify the measure. For these reasons he submitted a motion to make the Mediterranean fund perpetual. He thought this expedient, as the tax on salt was perpetual, and the substituted tax was not so certain as that on salt. With regard to the one, very little variation could take place; while the other might materially change with the times.

On this motion the Committee divided—yeas 36, nays 60—when the Committee rose and reported the bill.

The House immediately took the report into consideration.

After a short conversation, the amendment of the Committee to fill up the blank in the first section with the first of October, was carried without a division.

Mr. CROWNINSHIELD then moved to amend the last section, so as to continue the Mediterranean fund for three years. He said that the duty on salt fell with peculiar hardship on those who were obliged to consume it, either in providing for their families or cattle. It amounted to two hundred per cent. on the value of this article. As there was not a more oppressive tax in the country, he had always wished to see the revenue in such a situation as to justify its repeal. He thought this was the case at present, as he was indirectly informed that the revenue for the present year would exceed, by a million, the amount at which it had been calculated. He was, however, of opinion that it became the Government, in the present posture of affairs, to continue the Mediterranean fund for two or three years.

Mr. J. RANDOLPH hoped the amendment would not be agreed to. It would be remembered that the right of giving the public money was the sole exclusive right of that branch of the Legislature; and that when they made grants for a long term of years, it would not depend on them alone whether they should be revoked. In his opinion, if the Constitution of the United States was practised on its true principles, that House ought not to give the public money out of its control. There was no existing cause for continuing this fund for three years, or for a longer period than that contemplated by the bill. During the next session there would be a better view of the resources and expenditures presented; and it might then be determined what arrangements were necessary for providing the ways and means for paying the interest and principal on the Florida stock. If it were contemplated by gentlemen to continue this fund to eke out, and by anticipation to provide for the defalcation of that day, he was not disposed to give his consent to such a measure. Let gentlemen then devise the ways and means for the additional expenses they may have incurred. It is not a true principle, said Mr. R., for this branch to vote money in this way: I was going to say *ad infinitum*. Let us recollect how the additional duty only on salt was laid. Eight or ten years ago it was proposed to lay a duty of so many cents on salt, which failed; afterwards, at the heel of a session, when there was a thin House, it was proposed to lay an additional duty of eight cents. This proposition succeeded. I had the honor of being a member when the law passed for continuing this duty for ten years. I do not now, and I trust in God I never shall forget the circumstances attending this measure. I held up my hands against it as an oppressive tax, and said I hoped the time would come when it would be taken off. That time has come. Let us not now, under the pretence of taking off half a million, hang round

the neck of the people a duty of nearly double the amount. So that the Government gets the money they care not from whose pockets they take it. The question now is, is this House in a state of pupilage? Will we not be at the next session as able to say this fund shall be continued, as we are now? It is proposed to continue this tax for three years; but what reason have we to legislate for the tenth House of Representatives? Suppose they declare it oppressive and pass a bill for its repeal, the other branch of the Legislature will send it back with a civil message that they have postponed it to the next session of Congress. It is true that we have some check in making appropriations; but appropriations have become a matter of form, or less than the shadow of a shade, a mere cobweb of defence against expenditures. You have fixed limits, but the expenditure exceeds the appropriation; and those who disburse the money, are like a saucy boy who knows that his grandfather will gratify him, and over-runs the sum allowed him at pleasure. As to appropriations I have no faith in them. We have seen that so long as there is money in the Treasury, there is no defence against its expenditure. There is one mode of defence, seized in happy times, to sequester in the hands of a particular body so much of the revenue as to leave but a scanty surplus to the Executive departments; but if this system is shaken by voting vast sums beyond the ordinary expenditures, there is an end to economy.

The question was then taken on Mr. CROWNINSHIELD'S motion, which was disagreed to—ayes 28. When the question was taken on engrossing the bill, which was carried—ayes 83.

THURSDAY, April 17.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act further to alter and establish certain post roads, and for other purposes," with several amendments; to which they desire the concurrence of this House. The Senate have passed a bill, entitled "An act supplementary to the act, entitled 'An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans, and the District of Louisiana;" and a bill, entitled "An act in addition to the act establishing a Mint, and regulating the coins of the United States;" to which they desire the concurrence of this House.

On motion of Mr. ELY,

Resolved, That the President of the United States be requested to take effectual measures to cause the south wing of the Capitol to be prepared for the accommodation of the House of Representatives, by the commencement of the next session of Congress.

Mr. ELY and Mr. DAWSON were appointed a committee to present the aforegoing resolution to the President of the United States.

A Message was received from the President of the United States, transmitting a convention between the United States and the Cherokee Indians, concluded at Washington on the seventh day of January last, for the cession of their right to the tract of country therein described. The Message was read, and, together with the convention transmitted therewith, referred to the Committee of Ways and Means.

On motion of Mr. DANA, that the House do come to the following resolutions:

Resolved, That provision ought to be made for the better protection of the commerce and seamen of the United States against aggressions and outrages in the seas of the West Indies.

Resolved, That it is expedient to provide for regulating the conduct of such merchant vessels as, by agreement of the respective owners, may sail in concert for mutual assistance and defence in any lawful commerce; and, also, for settling, according to the course of proceeding in Courts of Admiralty, the respective rates of contribution to be made between them, on account of any loss or damage which may be thereby incurred.

Resolved, That, for the encouragement and security of seamen of the United States, it is expedient to make provision, that registered ships or vessels which may be employed in voyages to foreign ports, after the —— day of —— next, shall not continue to enjoy the benefits and privileges appertaining to ships or vessels of the United States, unless some proportion of the mariners on board the same shall be citizens of the United States.

The resolutions were referred to a Committee of the Whole to-morrow.

The House proceeded to consider a motion of the fourth instant, viz:

Resolved, That the Secretary for the Department of War be, and he hereby is, directed to procure from the several States, and present to this House, at their next session, a list of the invalid pensioners who have been placed on the pension list of the respective States, during the late Revolutionary war with Great Britain, noting particularly, as far as the same may be practicable, whether such pensioners served in the militia, or in the line of the Army; and, also, the monthly sum allowed to each pensioner:"

And the said resolution being again twice read at the Clerk's table, was, on the question put thereupon, agreed to by the House.

Mr. JOHN RANDOLPH, from the Committee of Ways and Means, presented a bill making appropriations for carrying into effect a treaty with the Cherokee tribe of Indians; which was read twice, and committed to a Committee of the Whole this day.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act further to alter and establish certain post roads, and for other purposes:" Whereupon,

Ordered, That the said amendments, together with the bill, be referred to the Committee on the Post Office and Post Roads.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for establishing trading-houses with the Indian tribes," with an amendment; to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act in addition to the act establishing a Mint, and regulating the coins of the United States," was read

twice, and committed to a Committee of the Whole to-morrow.

The bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans, and the District of Louisiana," was read twice, and referred to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole, on the bill making appropriations for carrying into effect a treaty with the Cherokee tribe of Indians. The bill was reported without amendment, and was ordered to be engrossed, and read the third time on Saturday next.

On motion of Mr. VARNUM, that the House do come to the following resolution:

Resolved, That it is expedient to make provision, by law, for allowing the military commandants, appointed under an act, entitled "An act for erecting Louisiana into two Territories, and providing for the temporary Government thereof," three months' pay, after the terms for which they were appointed shall have expired, to enable them to return to their several homes. Except such of them as shall at that time have been appointed to some other office under the Government of the United States, in the Territory of Louisiana.

The question was taken that the House do agree to the said resolution, and passed in the negative.

Ordered, That the order of the day, for the House to resolve itself into a Committee of the whole House on the bill supplementary to an act, entitled "An act more effectually to provide for the organization of the militia of the District of Columbia," be postponed indefinitely.

On motion of Mr. FISK, that the House do come to the following resolution:

Resolved, That the Clerk of this House be authorized and directed to pay, out of the contingent fund of the said House, the sum of two hundred dollars to Nathaniel Gregory and Samuel Burch, each, two of the engrossing Clerks in his office, in consideration of extra services performed by them during the last session of Congress, the like sum having been granted to William Lambert and Josiah W. King, the other Clerks who served in the office of the said Clerk at that time.

Ordered, That the said motion lie on the table.

The House resolved itself into a Committee of the Whole on the bill in addition to an act, entitled "An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes;" and, after some time spent therein, the Committee rose and had leave to sit again.

POSTMASTER GENERAL.

Mr. CLARK, from the committee, who were appointed on the 21st of March, to inquire into the conduct of Gideon Granger, Postmaster General of the United States, and report whether, in their opinion, the said Gideon Granger has so acted, in his capacity of Postmaster General, as to require the interposition of the Constitutional powers of this House, submit the following report:

"That the committee, without loss of time, engaged in the duties assigned them, and have made some progress therein. It was the sincere desire of the committee that the inquiry should be concluded during the present session, as well as the wish of the Postmaster General; but from the distance and dispersed situation of the witnesses, whose testimony was deemed necessary, and the approaching close of the session, it is found impracticable. While the committee regret the situation of a public officer laboring under the suspicious appearance of a Constitutional scrutiny into his conduct, yet in a Government like ours, where watchfulness of men in office is the surest guarantee of the preservation of the liberty of the people, the public functionaries must yield their feelings to the general benefit, and endure a temporary inconvenience as an honorable sacrifice to the freedom of our institutions.

"That a hasty and premature result is less to be desired on the part of an officer supported by a consciousness of the integrity of his conduct, than the suspension of an inquiry that may terminate in a satisfactory refutation of charges, which, on the part of the accused, are affirmed to be without foundation, the committee have no hesitation in believing.

"Justice to the public as well as to the individual requires a thorough investigation, which is found to be impossible before the final adjournment.

"The committee, therefore, recommend a postponement of the further inquiry until the next session of Congress."

Ordered to lie on the table.

PUBLIC DEBT.

The bill supplementary to the act, entitled "An act making provision for the redemption of the whole of the public debt of the United States," was read a third time.

Mr. TALLMADGE moved to postpone this bill indefinitely, and supported the motion in a speech of considerable length.

Mr. J. CLAY replied.

When the yeas and nays were taken—yeas 49, nays 45, and the motion, consequently, obtained.

YEAS—Joseph Barker, Barnabas Bidwell, John Chandler, Matthew Clay, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Charles Goldsborough, Isaiah L. Green, Silas Halsey, Seth Hastings, David Hough, John G. Jackson, John Lambert, Joseph Lewis, junior, Matthew Lyon, Robert Marion, Josiah Masters, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, junior, John Pugh, Josiah Quincy, John Russell, Thomas Sammons, Martin G. Schuneman, James Sloan, John Smilie, Henry Southard, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Joseph B. Varnum, Peleg Wadsworth, and Robert Whitehill.

NAYS—Evan Alexander, Willis Alston, jun., Burwell Bassett, George M. Bedinger, John Blake, junior, Thomas Blount, Robert Brown, Levi Casey, John Claiborne, Christopher Clark, Joseph Clay, John Clopton, Leonard Covington, John Dawson, Peter Early, James M. Garnett, Edwin Gray, John Hamilton, David Holmes, Michael Leib, Patrick Magruder, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newton, jun., John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, Peter Sailly, Thomas Sandford, John Smith, Samuel Smith, Richard Stanford, Joseph Stanton, Philip R. Thompson, John Whitehill, David

R. Williams, Marmaduke Williams, Richard Winn, and Joseph Winston.

DUTIES ON SALT.

The bill repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read a third time.

Mr. MASTERS moved to recommit the bill, for the purpose of modifying its details.

Mr. QUINCY supported the motion; which was lost—ayes 37, noes 49.

When the yeas and nays were taken on the passage of the bill—yeas 84, nays 11, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, Burwell Bassett, George M. Bedinger, John Blake, junior, Thomas Blount, Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, junior, John Dawson, Elias Earle, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, James Fisk, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, David Holmes, David Hough, John G. Jackson, John Lambert, Joseph Lewis, junior, Patrick Magruder, Robert Marion, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, junior, Gideon Olin, Timothy Pitkin, junior, John Pugh, Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Jacob Richards, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

NAYS—Joseph Barker, John Fowler, Isaiah L. Green, Michael Leib, Matthew Lyon, Josiah Masters, William McCreery, Nicholas R. Moore, John Russell, Peter Sailly, and Uri Tracy.

PAY OF WITNESSES.

The House again resolved itself into a Committee of the Whole, on the bill sent from the Senate, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase." The bill was reported with an amendment thereto.

The House proceeded to consider the said amendment, and the same being again read, as follows:

After the word "summoned," in the second line of the first section, insert "on the part of the House of Representatives," was, on the question put thereupon, agreed to by the House—yeas 51, nays 40, as follows:

YEAS—Isaac Anderson, Burwell Bassett, George M. Bedinger, John Blake, jun., Robert Brown, Levi Casey, John Chandler, Joseph Clay, Matthew Clay, Frederick Conrad, Leonard Covington, Elias Earle, Ebenezer Elmer, John W. Eppes, William Findley, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, Michael Leib, Patrick Magruder, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Gideon Olin, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Thomas Sammons, Thomas Sandford, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, Philip R. Thompson, Abram Trigg, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Alexander Wilson, and Joseph Winston.

NAYS—Willis Alston, jun., Silas Betton, Barnabas Bidwell, Thomas Blount, John Claiborne, Christopher Clark, John Clopton, Jacob Crowninshield, Richard Cutts, John Davenport, jun., John Dawson, Caleb Ellis, William Ely, Charles Goldsborough, Peterson Goodwyn, Seth Hastings, David Hough, John G. Jackson, Walter Jones, John Lambert, Joseph Lewis, jun., Matthew Lyon, Robert Marion, William McCreery, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, Thomas M. Randolph, John Russel, Martin G. Schuneman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Philip Van Cortlandt, Killian K. Van Rensselaer, Peleg Wadsworth, Marmaduke Williams, and Nathan Williams.

The bill, as amended, was then read the third time and passed.

FRIDAY, April 18.

Mr. THOMAS, from the Committee on the Post Office and Post Roads, to whom were referred, yesterday, the amendments proposed by the Senate to the bill, entitled "An act further to alter and establish certain post roads, and for other purposes," made a report thereon; which was read and considered: Whereupon,

Resolved, That this House do agree to the first, second, fourth, fifth, sixth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth of the said amendments.

Resolved, That this House do agree to the third of the said amendments, with an amendment.

Resolved, That this House do disagree to the seventh of the said amendments.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats," with an amendment; to which they desire the concurrence of this House: Also, the bill, entitled "An act making appropriation for carrying into effect a treaty between the United States and Chickasaw tribe of Indians," with an amendment; to which they desire the concurrence of this House: And the bill, entitled "An act to amend, in the cases therein mentioned, the act to regulate the collection of duties on imports and tonnage," with several amendments; to which they desire the concurrence of this House.

A message from the Senate informed the House that the Senate disagree to the amendments proposed by this House to the bill sent from the Senate, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase," and desire a conference with this House on the subject-mat-

ter of the said amendments; to which conference they have appointed managers on their part.

ORGANIZATION OF THE MILITIA.

Mr. VARNUM.—Mr. Speaker: It will be recollected by the House, that early in the session, that part of the Message of the President of the United States, of the third of December last, which relates to the classification and organization of the militia, and to the augmentation of our land forces, was referred to the consideration of a select committee. Several other subjects relative to the physical strength of the nation have, subsequent to that time, been referred to the same committee. They have attentively considered the several subjects referred to them, and have reported to the House the result of their deliberation on each of them. The suspension of a report on the subject of our land forces to this time, has necessarily been occasioned from the nature of the reference. That subject was submitted to the committee in the words of the Message, which are as follows: "Whether it will be necessary to augment our 'land forces will be decided by occurrences pro-'bably in the course of your session." Hence the committee have deferred their report to this time, with a view that it might be made coincident with the existing state of our country, at the close of the session, in conformity with the principles on which the subject was submitted.

But, sir, at a time when the great Powers of Europe are engaged in war, devastation, and bloodshed, and at a period when there are subjects of difference existing between the United States and several of the European Powers, it may not be improper to state to the House, the outlines of the physical strength of the country, which may be drawn into operation, in case of an invasion by any foreign nation; which view of the subject has induced the committee to make the report now submitted to you. And, sir, in order to exhibit in its true point of light, the present strength of the United States, it may not be improper to take a cursory view of the situation of the United States at the commencement of the Revolutionary war with Great Britain, and the important stand which, in that situation, was made against the strong arm of Great Britain. I will then state to you, in a concise manner, some of the present means of defence within the power of the United States; and leave it to the House to draw the contrast, between our situation for defence at that time, and at the present time.

At the commencement of that war, the people of the United States were subjects of Great Britain; they were in a state of disorganization. I believe there was not a single company of the militia under legal organization; you had no standing army. There had been a kind of organization under the recommendation of illegal associations, in a part of the Union; but no commissions had been issued. One class of your citizens were so much attached to royal government that they either withheld their aid from the cause of the country, or went over to the enemy and fought against us; there were another class who from pecuniary views took side on the part of the British, and armed themselves against the country; a third class were, from apprehensions of feeling the weight of British vengeance in case the country should be conquered, induced to take part on the side of the enemy; and a fourth class, from conscientious scruples as to the justice of opposing their King, were induced to withdraw their aid from the cause of their country. These several classes of opponents were very numerous in some of the States, and such were the arrangements of the country at that time, as to permit them to take the side they chose without even branding them with the appellation of traitors. The whole population of the country did not consist of more than 2,500,000 souls. Thus, sir, did those patriots, who justly appreciated the blessings of a free Government, put their lives, and their all at stake, to procure for themselves and for posterity the blessings of independence and free government, in opposition to a large portion of their countrymen, and the whole force of the British nation. It is well known by those gentlemen who were on the stage of action at that time, that the means for carrying on a war, then in possession of the people, were very small. We were almost entirely destitute of cannon; very few of the fire-arms were such as are generally considered the best calculated for defence against an enemy: they were fire-arms generally used by hunters, and most of them without bayonets: we had very little powder or ball in the country. In this unpromising situation of our country, commenced the Revolutionary war with Great Britain. But these gloomy prospects did not prevent the people from pursuing their object. At the first battle, on the 19th day of April, 1775, the British lost in killed and wounded more than three times the number killed and wounded on the side of the Americans. At the battle of Bunker's Hill one thousand five hundred American militia twice repelled three thousand British regulars, and would, in all probability, have defeated them ultimately, had not their ammunition been exhausted soon after the British made the third attack. When the British entered the flimsy works which they had thrown up the night before, not having bayonets, they were obliged to fight them with the butts of their muskets, and finally killed and wounded more than one thousand three hundred before they began their retreat. The English opened the campaign of 1776, with sixty thousand regular troops, including seventeen thousand Germans, probably with an idea of completing the subjugation of the country that summer; but the intrepidity of the American patriots convinced them of their mistake; our principles were defended; and the famous battle of Trenton closed the operations of the year. The battle of Princeton soon succeeded; and in the same month, General Dickinson, with a party of New Jersey militia, after crossing a river, in that inclement season of the year, where the water was up to the middle of the men, attacked an equal number of British troops, beat and entirely routed them.

In the year 1777, many memorable battles were

fought, in the Middle and Northern States, in which, taking them altogether, the patriots had much the advantage. The whole of Burgoyne's army, consisting of more than 10,000 men was killed or taken prisoners. The battle at Bennington, fought entirely by militia, and commanded by a militia general on the side of the Americans, must remain on the pages of history as an indelible mark of fortitude and patriotism, on the characters of those heroes who fought and conquered on that day. In 1778 happened the famous battle of Monmouth. Thus, sir, the patriots of America, without allies, baffled the most strenuous attacks of the whole British nation, aided by 17,000 foreign mercenaries, for more than three years. After that period we had the aid of France, which no doubt hastened the close of the war, and which cannot fail to be held in grateful remembrance by all those who were engaged in the cause of the Revolution from proper principles. Many important engagements in the Southern States, clearly manifested the prowess of the militia in that part of the Union. And, sir, by the exertion of those who dared to put at defiance every danger, in support of the cause of God and their country, we do now, by the blessing of Heaven, enjoy the inestimable privileges of liberty and independence.

Now, sir, let us take a cursory view of the present means of defence within the control of the Government of the United States. The productions of the fiscal arrangements of the Government, and the facility with which those productions have been placed in your treasury, afford striking evidence of the wealth of your citizens, and their ability to yield that pecuniary aid which will enable the Government to put in operation any measures of defence which may be necessary.

The United States are now composed of more than 6,000,000 inhabitants; you have regular organized State Governments, and an energetic General Government, calculated to call into operation all the resources of the nation, when the safety of the people may require it. There are in the United States, of free white male citizens, between the ages of sixteen and forty-five, 871,336 persons.

The General Government passed a law in 1792 for organizing the militia of the United States; under that law, the militia have been formed into divisions, brigades, regiments, and companies; these several corps have been officered under the State Governments, agreeably to the direction of the law of the United States. So, sir, you have in the United States a militia, completely organized and officered, consisting of more than 600,000 men. And, sir, in order to show the comparative strength, and more particularly the comparative laudable exertions of each State, to provide themselves with the means of defence, I will ask the patience of the House, while I mention in detail the numbers of enrolled militia in each State, with the prominent implements of war in their hands. In doing this, I shall state the number of major generals commanding divisions, the number of brigadier generals commanding brigades, the number of lieutenant colonels commandant, commanding regiments, the number of artillerists, the number of cavalry, and the number of infantry, including officers in each State, the number of field artillery, the number of fire arms, the number of horsemen's sabres and pistols, and the quantity of powder and balls. I shall not detail the minor articles of equipment; but will observe, generally, that the supply of these articles is less numerous than those which I shall state in detail.

[Mr. VARNUM here offered to the House the information exhibited in the following table.]

STATES AND TERRITORIES.	Dates.	Divisions commanded by Major Generals.	Brigades commanded by Brigadier Generals.	Regiments commanded by Lt. Cols. Comdt.	Total artillerists.	Total cavalry.	Total infantry.	Total artillerists, cavalry, and infantry.	Muskets and rifles.	Brass ordnance, from 12 to 2 pounds caliber.	Iron ordnance, from 9 to 2 pounds caliber.	Sabres.	Pairs of pistols.	Pounds of powder.	Cartridges, with balls.	Balls.
New Hampshire	1805	3	6	34	462	1,629	21,168	23,259	12,520	18	-	1,808	1,763	2,000	-	15,000
Massachusetts	1805	10	22	83	2,629	2,690	61,502	66,821	46,615	129	14	2,387	2,357	4,607	495,539	65,838
Rhode Island	1803	1	4	11	121	87	5,125	5,333	3,052	4	-	87	87	-	3,823	
Connecticut	1805	4	8	35	677	1,637	18,621	20,935	15,085	21	5	1,965	1,414	-	293,205	
Vermont	1805	4	10	31	408	1,263	16,510	18,181	3,885	3	4	1,020	1,048	1,928	-	80,696
New York	1804	7	31	108	1,405	2.113	73,318	76,836	41,947	29	-	1,431	1,344	-	2,201	
New Jersey	1805	4	6	83	172	1,197	25,827	26,696	12,509	-	5	750	381			
Pennsylvania	1803	14	28	136	409	2,840	93,192	96,448	29,114	7	-	1,441	1,583			
Virginia	1805	3	16	84	1,365	3,549	68,884	73,798	13,224	2	-	407	333	131	40	3,400
North Carolina	1805	5	12	55	-	291	42,665	42,956	18,914	-	-	71	114			
South Carolina	1802	2	9	46	911	2,070	32,742	35,723	12,878	17	-	1,383	1,053			
Georgia	1805	3	7	-	101	721	18,572	19,394	3,737	6	-	371	239	64	4,009	5,160
Kentucky	1805	5	12	54	-	-	33,176	38,176	19,533	-	-	-	-	12683	-	79,176
Tennessee	1806	2	6	26	-	771	16,092	16,863	4,647	-	-	75	95	1,140	-	35,042
Ohio	1805	3	5	14	-	113	15,863	15,976	3,515	-	1	30	30	173	-	7,605
District of Columbia	1803	-	1	2	95	54	1,942	2,091	1,162	4	-	29	22	454	-	8,370
Mississippi Territory	1805	-	-	4	-	-	1,843	1,843	795	-	-	-	-	90	-	10,246
Indiana Territory	1803	-	-	4	-	20	1,950	1,950								
Totals	-	70	183	760	8,755	21,952	548,492	578,279	249,073	240	29	13,255	11,867	23,270	798,817	316,561

NOTE.—From Maryland, Delaware, Orleans, Louisiana, and Michigan, there are no general returns; but yet the whole number of artillerists, cavalry, and infantry, belonging to Maryland, is stated at 30,190, and that of muskets and rifles at 7,000. There is also given to Delaware, of the same description of troops, 5,000, and 1,250 muskets and rifles. Making the aggregate of 613,469 artillerists, cavalry, and infantry, and 257,328 muskets and rifles, for all the States and Territories mentioned above.

And here, sir, permit me to observe, in regard to the State which I have the honor to represent in part on this floor, that by a law of the State each town is compelled to be constantly provided with a quantity of powder, balls, and flints, at least equal to one pound of powder, three pounds of balls, and three flints, to each man enrolled in the militia; also, a proportionate quantity of entrenching tools; this town stock is placed under the care of the selectmen of their respective towns, and the brigade inspectors are by law also made inspectors of the town stock within their respective brigades. If any defect is suffered by the towns, the inspectors are bound to report it to a county court, and such deficient town is subjected to a heavy penalty. Add then the town stock of ammunition to that in the hands of individuals of the militia, and it will be found that in that State alone there is more than forty tons of powder, and more than one hundred and forty tons of leaden balls, constantly kept in readiness for public use in defence of our rights. It is also a fact, that several other States have public stocks of ammunition, but in what quantities I have not had an opportunity to procure the means of ascertaining.

The artillerists and the cavalry, as well as a great proportion of the infantry, in Massachusetts, are in complete cloth uniform, and this, together with the fire-arms and other equipments, each individual has provided at his own expense. Many of the officers honored with important commands in the militia of Massachusetts, are men who have seen service; they are men, sir, who dared to step forth in defence of their country at times which tried men's souls; they have seen the glorious effects of their exertions, and feel the importance of order and discipline in the militia; the spirit of discipline acquired in the Revolutionary war has been diffused among the militia, and a laudable spirit of emulation pervades every corps; they are competent to the performance of any evolution requisite in the science of tactics, even in the field of action, and are at all times ready to put their lives in jeopardy in defence of our liberty, independence, and Government, against the invasion of any foreign enemy, or the violence of any internal usurpation.

Many gentlemen who were acquainted with service in the Revolutionary war now hold important offices in the militia—in several of the States to my own knowledge, and I presume this is the case in a greater or less degree in all the States.

Military discipline is making rapid progress in many of the States.

In justice to Pennsylvania it is proper to state that it is said that the return of fire-arms exhibited are comprised of those only which have been distributed among the militia at the expense of the State, and that a great proportion of the militia in that State are in possession of fire-arms, but from some unknown cause they have not been returned. The same observation, it is believed, will apply in a considerable degree to the State of Virginia. From the best information I have been able to obtain, I have no doubt that there are many thousand of fire-arms in the United States, equal to many of those with which we commenced the Revolutionary war, which have not been returned. The States of Maryland and Delaware have made no return; but I have endeavored to avoid exaggeration in their numbers and equipments.

Sir, in addition to the force and implements of defence which I have named, you have in the Army of the United States men, officers included - - - - - - - - - 3,345
In the marine corps, who are liable to do duty on land as well as sea - - - 550

Making a regular land force of - - 3,896

I had the honor, sir, early in the session to report a bill for detaching from the militia 100,000 men to hold themselves in readiness to march at a moment's warning, whenever the President of the United States shall think it necessary; this bill has been passed into a law, and is calculated to lessen the inconvenience of marching the whole of the militia from any one section of the Union, if an invasion should take place. You have, sir, in the public magazines, the property of the United States, in addition to the cannon provided for the navy and those in the forts and fortifications on your extensive seacoast and frontiers, 1,400 iron cannon of different calibers, and 500 brass cannon of different calibers. In the same deposits you have 118,197 muskets, with bayonets, and rifles, fit for use, and 12,000 which need some small repairs, 1,958 pairs of pistols, 500,000 pounds of gunpowder, 500 tons of saltpetre, and sufficient quantity of sulphur to mix with it in the manufactory of it into gunpowder; and you have all kinds of balls, shot, and shells, in abundance. I have also had the honor to present to the House, from the same committee who have directed me to make the report now before you, a proposition for extending the manufacture of fire-arms, as far as the capacity of the present armories of the United States will permit, which has been agreed to, and appropriations have been made for carrying the proposition into effect; from that source you will add 11,000 stands of fire-arms to your stock annually.

Mr. Speaker, I have given you a cursory statement of the weak and divided situation of our country at the commencement of the Revolutionary war with Great Britain, and have mentioned something of the prowess of the patriots of those times, which baffled their exertions and produced our independence; and I have stated in contrast the outlines of the present strength of the United States and their means of defence. And it may be said without exaggeration that the difference is incalculable. Will any man, who knew anything of the state of the country at that period, and of the stand which was made against the whole strength of the British nation which was brought against us, and whose ideas of the present strength and prowess of the United States are not entirely local, pretend to insinuate that we are not in a capacity to contend for our most impor-

tant national rights? If at that time we were able to meet and defeat the armies of Great Britain, with what kind of prospect can any nation assail us at this time? With this view of the subject the committee have submitted the report before you; the House will judge of its correctness. I am well aware that should we be involved in a war with a nation which might have it in her power to pour in upon a remote part of our territory a large number of troops, and should so do, and keep possession for any length of time, an army during the continuance of such invasion might be necessary; but at present this is not to be expected, and unless we should be involved in a war, I am unable to see any necessity of augmenting our standing army, and hope, therefore, that the report will meet the approbation of the House.

Mr. VARNUM then submitted a report, which was referred to a Committee of the Whole to-morrow.

NAVAL PEACE ESTABLISHMENT.

The House again resolved itself into a Committee of the Whole on the bill in addition to an act entitled "An act supplementary to the 'Act providing for the Naval Peace Establishment, and for other purposes. The bill was reported with several amendments thereto.

The House proceeded to consider the said bill, when the first section thereof being again read, in the words following, to wit:

"That the second and fourth sections of 'An act providing for a Naval Peace Establishment, and for other purposes,' be, and the same are hereby repealed."

A motion was made by Mr. DAVID R. WILLIAMS, and the question being put to amend the same, by striking out in the first line thereof, the words "and fourth," it passed in the negative—yeas 37, nays 52, as follows:

YEAS—Evan Alexander, David Bard, George M. Bedinger, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Leonard Covington, Samuel W. Dana, John Davenport, junior, Peter Early, James Elliot, John W. Eppes, James M. Garnett, Edwin Gray, David Holmes, Walter Jones, John Lambert, Michael Leib, Joseph Lewis, jun., Robert Marion, Thomas Moore, John Morrow, Jonathan O. Mosely, Gideon Olin, John Randolph, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, John Smith, Samuel Smith, Richard Stanford, Philip R. Thompson, Abram Trigg, David R. Williams, and Alexander Wilson.

NAYS—Willis Alston, junior, Burwell Bassett, Barnabas Bidwell, John Blake, junior, Thomas Blount, George W. Campbell, John Chandler, John Claiborne, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, Ebenezer Elmer, William Ely, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Hough, Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Nelson, Roger Nelson, Thomas Newton, junior, Timothy Pitkin, junior, John Pugh, Josiah Quincy, John Rhea of Tennessee, John Russell, Peter Sailly, James Sloan, John Smilie, Henry Southard, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Marmaduke Williams, Nathan Williams, Richard Winn, and Joseph Winston.

A motion was then made by Mr. CROWNINSHIELD, and the question being put further to amend the said bill by adding thereto a new section, in the words following, to wit:

"SEC. 4. *And be it further enacted*, That a sum not exceeding three hundred thousand dollars shall be, and the same is hereby, appropriated, to enable the President of the United States to cause to be built two frigates for the Navy of the United States, to supply the place of others which have been lost or condemned:"

It passed in the negative—yeas 43, nays 54, as follows:

YEAS—Joseph Barker, Silas Betton, Barnabas Bidwell, John Blake, junior, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, junior, John Dawson, James Elliot, Caleb Ellis, William Ely, Charles Goldsborough, Isaiah L. Green, Seth Hastings, David Hough, John G. Jackson, Joseph Lewis, junior, Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jr., Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, John Russell, Peter Sailly, Thomas Sammons, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, George M. Bedinger, Thomas Blount, Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Leonard Covington, Ezra Darby, Peter Early, Ebenezer Elmer, John W. Eppes, James M. Garnett, Edwin Gray, Andrew Gregg, Silas Halsey, David Holmes, Walter Jones, John Lambert, Michael Leib, Robert Marion, Thos. Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Pugh, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

A motion was then made by Mr. LEIB, and the question being put further to amend the said bill, by striking out, in the fifth and sixth lines of the third section thereof, the words "thirteen captains, nine masters commandant, seventy-two lieutenants;"

And debate arising thereon, a division of the question on the said motion was called for by Mr. BLOUNT: Whereupon, the question was taken on striking out the first member of the motion, containing the words "thirteen captains;" and passed in the negative—yeas 37, nays 60, as follows:

YEAS—Isaac Anderson, George M. Bedinger, Levi Casey, John Chandler, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Leonard Covington, Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, John W. Eppes, James M. Garnett, Edwin Gray, John Hamilton, David Holmes, Walter Jones, John Lambert, Michael Leib, Thomas Moore, Jeremiah Morrow,

John Morrow, Gideon Olin, John Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Samuel Smith, Richard Stanford, Philip R. Thompson, Abram Trigg, David R. Williams, Marmaduke Williams, and Alexander Wilson.

NAYS—Evan Alexander, Willis Alston, jun., Joseph Barker, Burwell Bassett, Silas Betton, Barnabas Bidwell, John Blake, jun., Thomas Blount, Robert Brown, John W. Campbell, John Claiborne, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jun., John Dawson, William Ely, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Hough, John G. Jackson, Joseph Lewis, jun., Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Timothy Pitkin, jun., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, James Sloan, John Smilie, John Smith, Joseph Stanton, Samuel Taggart, Benj. Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Nathan Williams, Richard Winn, and Joseph Winston.

The question was then taken on striking out the second member of the motion, containing the words "nine masters commandant," and passed in the negative—yeas 37, nays 52, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, David Bard, George M. Bedinger, Thomas Blount, Robert Brown, Levi Casey, Christopher Clark, Joseph Clay, John Clopton, Ezra Darby, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, James M. Garnett, Edwin Gray, John Hamilton, David Holmes, Walter Jones, Michael Leib, Robert Marion, Thomas Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Pugh, John Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Samuel Smith, Richard Stanford, Philip R. Thompson, David R. Williams, and Alexander Wilson.

NAYS—Joseph Barker, Burwell Bassett, Silas Betton, Barnabas Bidwell, John Blake, jun., George W. Campbell, John Chandler, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, junior, John Dawson, Caleb Ellis, William Ely, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Hough, John G. Jackson, Joseph Lewis, junior, Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Timothy Pitkin, junior, Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, James Sloan, John Smilie, John Smith, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Nathan Williams, Richard Winn, and Joseph Winston.

The question was then taken on striking out the third member of the motion, containing the words "seventy-two lieutenants," and passed in the negative—yeas 34, nays 59, as follows:

YEAS—David Bard, George M. Bedinger, Thomas Blount, Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, John Clopton, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, James M. Garnett, Edwin Gray, John Hamilton, Walter Jones, Michael Leib, Robert Marion, Thomas Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Samuel Smith, Richard Stanford, Philip R. Thompson, David R. Williams, and Alexander Wilson.

NAYS—Willis Alston, jr., Joseph Barker, Burwell Bassett, Silas Betton, Barnabas Bidwell, John Blake, jr., George W. Campbell, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., John Dawson, William Ely, John Fowler, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Holmes, David Hough, John G. Jackson, Joseph Lewis, jun., Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Jonathan O. Moseley, Jeremiah Nelson, Roger Nelson, Thomas Newton, jr., Timothy Pitkin, jr., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, James Sloan, John Smilie, John Smith, Henry Southard, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Nathan Williams, Richard Winn, and Joseph Winston.

The bill was then engrossed and read the third time; and, on the question that the same do pass,

Mr. CHANDLER spoke in favor of, and Messrs. J. CLAY and J. RANDOLPH against, its passage, which was carried—yeas 58, nays 28, as follows:

YEAS—Evan Alexander, Willis Alston, jr., Joseph Barker, Burwell Bassett, Barnabas Bidwell, John Blake, jr., George W. Campbell, John Chandler, John Claiborne, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Davenport, junior, John Dawson, Ebenezer Elmer, William Ely, William Findley, John Fowler, Charles Goldsborough, Andrew Gregg, Isaiah L. Green, Silas Halsey, Seth Hastings, David Holmes, John G. Jackson, Joseph Lewis, jun., Matthew Lyon, Patrick Magruder, Josiah Masters, William McCreery, Nicholas R. Moore, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jr., Timothy Pitkin, jr., John Pugh, Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, James Sloan, John Smilie, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Nathan Williams, and Joseph Winston.

NAYS—Isaac Anderson, David Bard, George M. Bedinger, Thomas Blount, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Leonard Covington, Peter Early, James Elliot, John W. Eppes, James Fisk, James M. Garnett, John Hamilton, Walter Jones, Michael Leib, Jeremiah Morrow, John Morrow, John Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Henry Southard, Richard Stanford, Philip R. Thompson, and David R. Williams.

SATURDAY, April 19.

The House resumed the consideration of the amendments disagreed to by the Senate to the bill, entitled "An act making provision for the

compensation of witnesses who attended the trial of the impeachment of Samuel Chase:" Whereupon,

Resolved, That this House do insist on their amendment to the said bill.

Resolved, That this House do agree to the conference desired by the Senate on the subject-matter of the said amendment; and that Mr. JOHN RANDOLPH and Mr. ROGER NELSON be appointed managers at the same, on the part of this House.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the temporary relief of Hamet Caramalli;" to which they desire the concurrence of this House.

The House proceeded to consider the amendments reported from the Committee of the whole House, on the fifteenth instant, to the bill sent from the Senate, entitled "An act to regulate and fix the compensation of clerks, and for other purposes:" Whereupon, the said amendments being again read at the Clerk's table, were, on the question severally put thereupon, agreed to by the House. The said bill was then read the third time, and passed.

Mr. GREGG, from the Committee on the Public Lands, to whom was referred, on the seventeenth instant, the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the District of Louisiana," made a report thereon; which was read, and ordered to be committed to a Committee of the whole House this day.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats:" Whereupon,

Ordered, That the said amendments, together with the bill, be committed to a Committee of the whole House this day.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for the adjustment of titles to land in the Territory of Michigan, and for other purposes," with an amendment; to which they desire the concurrence of this House. Also, the bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land and providing for the disposal of the lands of the United States south of the State of Tennessee," with several amendments; to which they desire the concurrence of this House.

CHEROKEE INDIANS.

An engrossed bill making appropriations for carrying into effect a treaty with the Cherokee tribe of Indians, was read the third time: Whereupon, on a motion made and seconded that the said bill do lie on the table, it was resolved in the affirmative—yeas 47, nays 39, as follows:

YEAS—Evan Alexander, Isaac Anderson, David Bard, George M. Bedinger, Silas Betton, John Blake, junior, Thomas Blount, Robert Brown, Levi Casey, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, John Dawson, Elias Earle, James M. Garnett, Edwin Gray, Andrew Gregg, John Hamilton, David Holmes, Michael Leib, Joseph Lewis, junior, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, John Morrow, Roger Nelson, Thomas Newton, jr., Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, John Smilie, Samuel Smith, Henry Southard, Richard Stanford, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Richard Winn, and Joseph Winston.

NAYS—Willis Alston, jr., Joseph Barker, Barnabas Bidwell, George W. Campbell, John Chandler, Frederick Conrad, Leonard Covington, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., James Elliot, Ebenezer Elmer, William Findley, John Fowler, Isaiah L. Green, Silas Halsey, Seth Hastings, David Hough, John Lambert, Matthew Lyon, Gurdon S. Mumford, Timothy Pitkin, jr., Josiah Quincy, John Rhea of Tennessee, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, Joseph Stanton, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

TREATY WITH THE CHICKASAWS.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making appropriations for carrying into effect a treaty between the United States and Chickasaw tribe of Indians; and the said amendment being again twice read at the Clerk's table, in the words following, to wit:

"Strike out sections second and third.

"SEC. 2, *And be it further enacted*, That it shall be the duty of the surveyor of the public lands south of the State of Tennessee, to cause to be surveyed and laid out, in the same manner as is provided by law for the other public lands in the Mississippi Territory, so much of the lands ceded to the United States by the Cherokees and Chickasaws as lies within the said Territory; and the President of the United States is hereby authorized, whenever he shall think it proper, to establish a land office, for the sale of the said lands, and to appoint a register of the same, and a receiver of the public moneys accruing from the sale of the said lands, whose respective emoluments and duties shall be the same as those of the registers and receivers of the other land offices in the said Territory.

"SEC. 3. *And be it further enacted*, That, if any person shall make, or attempt to make, a settlement on any of the lands thus ceded by the Cherokees and Chickasaws, and lying within the Mississippi Territory, or shall, unless authorized so to do by the surveyor of the public lands south of the State of Tennessee, survey or attempt to survey such lands, or designate boundaries by marking trees or otherwise, such offender shall, on conviction thereof, in any court of record of the United States, or of any of the Territories of the same, forfeit a sum not less than two hundred dollars, nor exceeding one thousand dollars, and suffer imprisonment for a term not less than six months, nor exceeding three years: and it shall, moreover, be lawful for the President of the United States, and he is hereby required, to employ such military force as he may judge necessary, to remove from the said lands any person

who shall make or attempt to make any settlement as aforesaid: *Provided*, That nothing herein contained shall affect persons making settlements on lands purchased from the United States, in conformity with the preceding section of this act."

The question was stated that the House do agree with the Senate in their said amendment;"

On which a division of the said question was called for; and, on the question that the House do agree with the Senate in so much of their said amendment as proposes to strike out the second section of the said bill, it passed in the negative—yeas 33, nays 57, as follows:

YEAS—Willis Alston, junior, Joseph Barker, Silas Betton, Barnabas Bidwell, John Chandler, Richard Cutts, Samuel W. Dana, John Davenport, jun., James Elliot, Ebenezer Elmer, William Ely, William Findley, John Fowler, Seth Hastings, David Hough, John G. Jackson, Matthew Lyon, Jonathan O. Mosely, Gurdon S. Mumford, Timothy Pitkin, jun., Josiah Quincy, John Russell, Martin G. Schuneman, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams

NAYS—Evan Alexander, Isaac Anderson, Burwell Basset, David Bard, George M. Bedinger, John Blake, junior, Thomas Blount, Robert Brown, Levi Casey, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Ezra Darby, John Dawson, Elias Earle, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, Walter Jones, John Lambert, Michael Leib, Joseph Lewis, jr., Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newton, jun., Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, James Sloan, John Smilie, Samuel Smith, Henry Southard, Richard Stanford, Joseph Stanton, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Richard Winn, and Joseph Winston.

And then the question being taken that the House do agree with the Senate in such other part of their said amendment as proposes to strike out the third section of the said bill, it passed in the negative—yeas 35, nays 53, as follows:

YEAS—Joseph Barker, Silas Betton, Barnabas Bidwell, John Chandler, Richard Cutts, Samuel W. Dana, John Davenport, jun., James Elliot, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, David Hough, John G. Jackson, Jonathan O. Mosely, Gurdon S. Mumford, Gideon Olin, T. Pitkin, jr., Josiah Quincy, John Russell, Peter Sailly, Martin G. Schuneman, Henry Southard, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

NAYS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, John Blake, jun., Thomas Blount, Robert Brown, Levi Casey, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, John Dawson, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, Walter Jones, John Lambert, Michael Leib, Joseph Lewis, junior, Robert Marion, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Roger Nelson, Thomas Newton, jun., John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, James Sloan, John Smilie, Samuel Smith, Richard Stanford, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Richard Winn, and Joseph Winston.

Resolved, That this House do adhere to its disagreement to the said amendment.

Ordered, That the engrossed bill making appropriations for carrying into effect a treaty with the Cherokee tribe of Indians, be recommitted to a Committee of the Whole this day.

WILLIAM EATON.

The House resolved itself into a Committee of the Whole, on the bill authorizing the settlement of accounts between the United States and William Eaton. No amendment having been made to the bill, the House proceeded to consider the said bill at the Clerk's table, and the same being again read, in the words following, to wit:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the proper accounting officers be, and they hereby are, authorized and directed to liquidate and settle the accounts subsisting between the United States and William Eaton, late Consul at Tunis, upon just and equitable principles, under the direction of the Secretary of State."

A motion was made by Mr. JOHN RANDOLPH, and the question being put, to amend the said bill, by striking out, at the end thereof, the words "under the direction of the Secretary of State;" it passed in the negative—yeas 43, nays 48, as follows:

YEAS—Evan Alexander, Willis Alston, jun., David Bard, Burwell Bassett, George M. Bedinger, Thomas Blount, Robert Brown, George W. Campbell, Levi Casey, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Peter Early, James M. Garnett, Edwin Gray, John G. Jackson, Walter Jones, Michael Leib, Robert Marion, Josiah Masters, Thomas Moore, John Morrow, Roger Nelson, Thomas Newton, junior, John Pugh, John Randolph, John Rea of Pennsylvania, Thomas Sammons, Thomas Sandford, Samuel Smith, Henry Southard, Richard Stanford, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Richard Winn, and Joseph Winston.

NAYS—Isaac Anderson, Joseph Barker, Silas Betton, Barnabas Bidwell, John Blake, junior, John Chandler, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., James Elliot, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Seth Hastings, David Holmes, David Hough, Joseph Lewis, jr., Matthew Lyon, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, John Russell, James Sloan, John Smith, Joseph Stanton, Samuel Taggart, Benjamin

Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

Ordered, That the said bill be engrossed, and read the third time on Monday next.

MONDAY, April 21.

The bill, sent from the Senate, entitled "An act for the temporary relief of Hamet Caramalli," was read twice, and committed to a Committee of the whole House to-day.

An engrossed bill authorizing the settlement of accounts between the United States and William Eaton, was read the third time.

Ordered, That the said bill do lie on the table.

The SPEAKER laid before the House a letter from the Secretary of War, the Secretary of the Treasury, and Comptroller of the Treasury, Commissioners under the act, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," passed the seventh of April, one thousand seven hundred and ninety-eight, covering a list of names of claimants to land under the said act; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to provide for the adjustment of titles to land in the Territory of Michigan, and for other purposes;" and the same being severally twice read at the Clerk's table, were, on the question put thereupon, agreed to by the House.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act supplementary to the act, entitled "An act for ascertaining and adjusting the titles to land within the Territory of Orleans, and the District of Louisiana." The bill was reported with an amendment thereto; which was twice read, and agreed to by the House. The bill, as amended, was then read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," with an amendment; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act respecting claims to lands in the Indiana Territory and State of Ohio," with an amendment; to which they desire the concurrence of this House; and the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes," with an amendment; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole on the amendment proposed by the Senate to the bill, entitled "An act for fortifying the ports and harbors of the United States, and for building gunboats," and no amendments being made, the House proceeded to consider the said amendment, and the same being again twice read at the Clerk's table, was agreed to by the House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act in addition to an act, entitled 'An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee;" and the same being twice read at the Clerk's table, were, on the question severally put thereupon, agreed to by the House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes:" Whereupon,

Resolved, That this House do disagree to the said amendment; *Resolved*, That this House do insist on their said disagreement; that a conference be desired with the Senate on the subject-matter of the said amendment; and that Mr. SMILIE, Mr. D. R. WILLIAMS, and Mr. EARLY, be appointed managers at the said conference on the part of this House.

A message from the Senate informed the House that the Senate have agreed to the conference desired by this House on the subject-matter of the amendment depending between the two Houses to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," and have appointed managers at the same on their part.

PAY OF WITNESSES.

Mr. JOHN RANDOLPH, from the committee appointed on the part of this House, to attend a conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill sent from the Senate, entitled "An act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase," reported that the conferees on the part of this House had met the conferees on the part of the Senate, but had come to no agreement thereupon.

The House proceeded to consider the said report: Whereupon, a motion was made, and the question being put, that this House doth adhere to its amendment to the said bill, disagreed to by the Senate, it passed in the negative—yeas 39, nays 42, as follows:

YEAS—Evan Alexander, Isaac Anderson, David Bard, Burwell Bassett, George M. Bedinger, John Blake, jr., Robert Brown, Frederick Conrad, Ezra Darby, Ebenezer Elmer, John W. Eppes, William Findley, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, David Holmes, Michael Leib, Patrick Magruder, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Pugh, John Randolph, John Rhea of

Tennessee, Thomas Sammons, Thomas Sandford, John Smilie, Henry Southard, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R Williams, and Joseph Winston.

NAYS—Willis Alston, jr., Barnabas Bidwell, Christopher Clark, John Clopton, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Peter Early, James Elliot, Caleb Ellis, William Ely, James Fisk, John Fowler, David Hough, Walter Jones, Joseph Lewis, jr., Matthew Lyon, Robert Marion, William McCreery, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, John Smith, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

Another motion was then made, and the question being put, that this House doth recede from its amendments to the bill, it passed in the affirmative—yeas 42, nays 39, as follows:

YEAS—Willis Alston, jr., Barnabas Bidwell, Christopher Clark, John Clopton, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, John Davenport, jr., John Dawson, Peter Early, James Elliot, Caleb Ellis, William Ely, James Fisk, John Fowler, David Hough, Walter Jones, Joseph Lewis, jr., Matthew Lyon, Robert Marion, William McCreery, Jonathen O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, John Smith, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, and Nathan Williams.

NAYS—Isaac Anderson, Burwell Bassett, George M. Bedinger, John Blake, jr., Robert Brown, Frederick Conrad, Ezra Darby, Ebenezer Elmer, John W. Eppes, William Findley, James M. Garnett, Edwin Gray, Andrew Gregg, Isaiah L. Green, John Hamilton, David Holmes, Michael Leib, Patrick Magruder, Josiah Masters, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Pugh, John Randolph, John Rhea of Tennessee, Thomas Sammons, Thomas Sandford, John Smilie, Henry Southard, Jos. Stanton, Philip R. Thompson, Abram Trigg, John Whitehill, Robert Whitehill, David R. Williams, Richard Winn, and Joseph Winston.

CASE OF THE LEANDER.

Mr. QUINCY presented to the House two several memorials of Samuel G. Ogden, and of William S. Smith, of the city of New York, which were received and read, respectively stating that they are under a criminal prosecution, now depending in the Circuit Court of the United States for the district of New York, for an alleged offence against the laws of the United States, in which, if guilty, they have been led into error by the conduct of officers of the Executive Government, who now intend to bring upon the memorialists the penalties of the laws, to sacrifice their characters, fortunes, and liberty, in expiation of their own errors, or to deprecate the vengeance of foreign Governments, by offering the memorialists as a victim to their resentment: that they have also experienced great oppression and injustice in the manner of conducting the said prosecution; and praying such relief therein as the wisdom of Congress may think proper to grant.

The memorials having been read,

Mr. LYON moved, that the petitioners have leave to withdraw their petitions.

Mr. N. WILLIAMS said that it appeared to him that the tendency of these memorials was, by obtaining the sanction of the House to their contents, to throw the blame and censure on the prosecutors. It appeared to him proper to arrest such a mode of proceeding, especially while the business to which the memorials referred was *sub judice*. They contained accusations against the judge, who himself was under a prosecution. He did not see the object of the petitions, unless it was to excite a clamor and indignation against the court. It was improper that they should be sanctioned by being printed under the direction of this House, while the cause was depending, and it was unknown whether the court had acted properly or improperly. Suppose, previously to these trials coming on, a censure should be cast on the court; would not this be a novel kind of proceeding—would it not be wresting justice from its due course, and be degrading to the Legislature? Such a procedure would likewise be dangerous to the principles of justice. Shall we permit a person under accusation to prefer a charge against the tribunal before whom he is summoned to appear? Suppose we declare the court, and not the criminal guilty, shall we not thereby prostrate every principle of justice, and set a precedent never known in any country, as dangerous to the liberty of the subject, as violative of the Constitution? In my opinion the Legislature ought not in this stage of the business to intefere. Such interference will be premature. If hereafter the prosecution appears to have been improperly conducted, it will be time enough to make an inquiry into the conduct of the prosecutor and the court; but before that, such an inquiry will be premature, and will be a prejudging of the case. From the moment I heard these petitions read, they struck me as being of a most dangerous tendency. If at all sanctioned by this House, they will tend to incense not only the country against the Administration, but against the tribunals of justice. We find it asserted in them, that the Administration, and particularly the Secretary of State, had a full knowledge of all the transactions connected with the fitting out the Leander. This charge has been already made in the newspapers—it has gone abroad, and been contradicted; and I do not hesitate to declare in my place that the accusation is false, that it is a calumny, that there is not a word in the petition charging the Administration with this fact that is founded in truth. I think the proper course is for the petitioners to have leave to withdraw their petitions. Not that I am for a denial of justice. If the petitioners fail in their application for justice to the court, it will then be time enough for us to interfere. Indeed it is a thing unheard-of in this nation, while the accused are under prosecution, that they should be suffered to come forward to the House of Rep-

resentatives with charges against the court and the Government. The memorialists not only charge the Government, but the magistrates, with corrupt motives. Shall we permit the Government to be thus treated, and the tribunals of justice to be thus calumniated; and give a sanction to the charges by printing a paper that contains them? I hope we shall have virtue and firmness enough to resist such a procedure. I think we have gone far enough in patiently listening to petitions which have no legal object in view, which not only charge the Departments of the Executive Government with improper views, but which contain accusations against the tribunals of justice; what scarcely merit to be called accusations—but base calumnies. The manner too in which these memorials have been presented is most extraordinary. In point of time, this being the last day of the session, it must have been known that it was out of our power to investigate their contents. It is also very unfortunate, when the citizens of New York are so ably represented on this floor that the petitioners have been obliged to travel to Boston, in order to obtain a gentleman to present their memorials. For these reasons, I shall vote decidedly against the printing.

Mr. Quincy said that the observations which were made were such as might have been expected to be offered, had it been proposed to go into an inquiry on these memorials. I do not say, said Mr. Q., that the information contained in the petitions is true. All I say is, that as a high officer of the Government is implicated, justice requires that an inquiry at some time should take place. I do not say that it ought now to take place. The question at present is, whether this information shall rest on our tables. Gentleman say no—throw it off. But I say inquire; because I believe, when an examination shall be made, a part of the statement at least will be found to turn out correct. It is said that the memorialists are under accusation; but have they not therefore, a right to petition this House? But so far as relates to the judge, there is only an information by the Grand Jury, not a prosecution. Whoever heard of a man accused before himself? Gentlemen may throw these petitions under the table, but, if they do so, they will do a great disrespect to the House. My only object is that an inquiry should be made at a convenient season into the facts alleged in these petitions. The information contained in some of those statements is corroborated by information known to some gentlemen on this floor—that the Executive had been advised of the fitting out of the Leander time enough to have prevented her sailing. By throwing these petitions under the table gentlemen will show that they are not disposed to investigate these facts.

Mr. Smilie believed the House were to blame in permitting these petitions to be presented. It was a rule of the House that every member presenting a petition should first generally state its contents. The member who presented these petitions, having made this statement, I think the House ought not to have permitted them to have been read. I will call to the recollection of gentlemen a transaction which took place two years ago. A petition was then presented from certain aliens in Pennsylvania and New York; and because they reflected on a former Administration, the House would not hear them. I never did, said Mr. S., witness such an attempt as this; and could such attempts be sustained, they would subvert all government whatever. Shall a person accused of a crime, while his trial is depending, bring forward complaints against his judges? If so, we have no regular government. This is turning the House of Representatives into a judiciary body, and authorizing them to wrest all other business from the tribunals of justice.

Mr. Alston.—I would not rise, but for the extraordinary declaration of the gentleman from Massachusetts, who says members of the House knew that the President was possessed of knowledge of the Leander's sailing, time enough to have prevented it. He says he knew it. If so, this sufficiently accounts for the course now proposed to be taken. If the fitting out and the destination of the Leander were known to any member of this House, I pronounce that member equally criminal with the Secretary of State or the President. For my part I had heard a gentlemen of respectability from New York say, though some people were prepared for the sailing of the Leander, he did not think twenty men in New York knew the place of her destination. As to the course pursued by the House, it is perfectly immaterial to me, whether the petitions lie on the table, or are returned to those from whom they came—my only wish is, that we do not sanction a thing of this kind without knowing more about it.

Mr. Jackson.—The gentleman from Massachusetts has told us of information possessed in this House of a most extraordinary nature—certainly the most extraordinary in the annals of jurisprudence; that Government had a knowledge of this case, and that they are afraid to trust the decision of a jury of their country. This is most extraordinary indeed, For my part, I regret that the gentleman from Massachusetts had so far forgot his own dignity, and the duty he owes his country, as to have permitted himself to have become the organ of these charges. He has told us we will discredit ourselves by rejecting these petitions. But permit me to say he has already more discredited himself by presenting them. The petitioners say this expedition has received the applause and encouragement of the Government, and the gentleman says this is known to the House. I pronounce this false. I say it is a base calumny, of which the gentleman has made himself the organ; and in saying so, I hold myself responsible in any place the gentleman pleases.

Mr. Quincy.—I deemed it my duty to present a petition handed to me, let it come from what quarter it might—and in this instance before I presented these memorials I made a correct statement of all their contents, which the House heard, and having heard, received them. As to the harsh things which have been uttered by the gentleman from Virginia it is not in his power to hurt my reputation. I said some information,

stated in the memorials, was correct. I say so now. But did I say the whole information contained in them, with the coloring, was true? Gentlemen will bear me witness that I said I did not believe the facts could be proved; but that there was ground enough to justify the going into an inquiry. Now, as to the information alluded to: I received no information myself from New York—the information came to a gentleman on this floor. Was it for me to bring this information before the House? Other gentlemen had the same information. I have said these things as a reason for not being too precipitate. Such conduct will look as if we were influenced by improper motives. In what I have said, I by no means mean to give a sanction to the memorials.

Mr. MUMFORD.—On the first of February I applito the Collector of New York. He declared he did not know the real destination of the Leander—she had cleared out for Jacmel. The 2d February, the Leander sailed from the watering place at Staten Island. Her destination was the common subject of conversation. Some supposed it was to one place, and some to another; but it was generally conjectured to be a British expedition. It was common conversation that Miranda had brought with him a credit on Great Britain, and I have since been informed he drew a bill on one of the late British Administration. Shortly after, I heard of theprosecution, but I never imagined the Administration had anything to do with the expedition.

Mr. QUINCY said, in the remarks he had offered, he had only meant to say that there had been an extraordinary equipment and arming in the harbor of New York. He did not mean to pledge himself as to the knowledge of the destination, or to the other fact, whether there was time for the Administration to have prevented it.

Mr. JACKSON.—The gentleman did say so.

Mr. QUINCY.—Such is my impression at present, but I am not certain of it. Since I rose, I have understood that after this information was received, an attempt was made by the Executive to stop the vessel. In making the remarks I have offered, I did not mean to criminate the Administration. If my words bore such a meaning, I withdraw them. Such was not my intention.

Mr. BIDWELL said, the memorials referred to two subjects. On the first, the memorialists state that they have been indicted for an offence, and represent certain facts, which they say are in their favor; they say the indictment is depending—this is begging the case. That while these facts remain to be tried before a tribunal of justice, where the whole benefit of evidence may be made use of either in justification or destruction of the charges, that the memorialists should resort to a petition of this nature on the last day of the session, is most extraordinary; and for the House to undertake to decide a question now pending before a court and jury, before whom any witnesses may be summoned, would be still more extraordinary. The other subject relates to the conduct of the judge in this particular case. If, when this case shall be ultimately decided, the memorialists shall think themselves aggrieved, it will be time enough to come forward with their complaint.

Mr. EARLY.—The memorials have been presented at a time and under circumstances so extraordinary, as, in my opinion, to call for, at the hands of this House, something more than is contained in the motion of the gentleman from Kentucky. These peculiarities of time and circumstance have been already noticed by different gentlemen, and are of a nature so striking, that they cannot escape the attention of any. I shall not, therefore, detain the House with any arguments, or with a detail of them. I rise for the purpose of offering a resolution which I think the occasion calls for, and in favor of which I hope the gentleman from Kentucky will withdraw his motion.

Mr. EARLY then offered the following resolution:

Resolved, That the charges contained in the memorials of S. G. Ogden and William Smith are, in the opinion of this House, unsupported by any evidence which, in the least degree, criminates the Executive government of this country;—that the said memorials appear to have been presented at a time and under circumstances insidiously calculated to excite unjust suspicions in the minds of the good people of this nation against the existing Administration of the General Government, and that it would be highly improper in this House to take any step which might influence or prejudice a cause now depending in a legal tribunal of the United States. Therefore, *Resolved*, That the said memorials be by the Clerk of this House returned to those from whom they came.

Mr. LYON withdrew his motion.

Mr. CLARK said this resolution was susceptible of division. He had no objection to the latter part of it, but he did not wish to give a hasty decision on the former, as he was not acquainted with all the circumstances referred to. He would therefore move to strike out the first part of the resolution.

Mr. SMILIE.—We are now to give a vote whether these charges are true or not. Believing them to be untrue, I shall vote against the motion to strike out.

Mr. CLARK.—I do not believe that they are true. But it is not proper to condemn a cause unheard. These men think themselves aggrieved; they set forth certain charges, and we at once give our opinion that they are false. I can never agree to this course.

Mr. DANA.—These memorials contain a statement of certain facts in the nature of allegations against certain officers in this Government. Whenever allegations of this kind are made, such language ought to be used as is best adapted to convey the ideas of the petitioners. These memorials contain two things. In the first place, they charge the Executive of the United States with a participation in Miranda's expedition. As to this charge, I am fully sensible of the impropriety of the House interfering. Under a law of the United States the equipment of a vessel against a Power with which we are at peace, is considered as a misdemeanor, punished by fine and imprisonment: and if General Miranda misled these men

under a belief that the President, or Secretary of State, did countenance—though in fact they did not—this enterprise, they may, if found guilty by a jury, avail themselves of this circumstance, in mitigation of their fine and imprisonment. It does not become this House, by any declaration, to give an opinion on this point, either one way or another. On the other point, relative to the conduct of the judge, I am not so satisfied relative to the course to be pursued. Is not every man accused entitled to a fair trial? And if the charges are true, and the man guilty, and yet the judge has erred, he has abused his authority. I will not say perversely, but he has not pursued the usual course of administering criminal justice. As to this part of the memorial, therefore, I am willing it should lie on the table; while I am perfectly ready as to that part which respects the Executive, to reject it.

Mr. Alexander.—I wish to be informed of the correctness of my impression, that the mover of the memorial prayed it should be printed. Before the House give their consent to publish such a voluminous piece of calumny, I should be glad to hear some reason assigned for it. At first blush, as has been represented by the gentleman from New York, this appears to be an unjust and uncandid attempt to obtain the interference of this House. I should be glad gentlemen would show us any case in which it would be right for this House to interfere while it is *coram judice.*

Mr. A. concluded with suggesting a modification of the motion of Mr. Early, which he afterwards withdrew.

Mr. Clark likewise withdrew his amendment.

Mr. Masters.—It is the first time I ever heard of a defendant under an indictment for a public offence, petitioning the Representatives of the people to interfere and arrest him from public justice. It is a kind of imputation on this House. The petitioner is accused of a breach of the law, and is called on to answer that accusation before the proper forum. It does not belong to this House to interfere with that tribunal. The Constitution has set apart and defined the different powers.

The memorialists attempt to criminate the Administration. The Administration is not on trial before this House. If the district judge, in the course of the examination and trial, acts corruptly, there is a proper time and manner of bringing him constitutionally before this House. We ought not to countenance the defendant's endeavors to cast an odium on the court before whom the trial is depending, and the petition ought to be dismissed in stronger language than is expressed in the resolution.

Mr. J. Randolph asked for a division of the resolution down to the word "country," preceding the first dash.

Mr. Clark said he really felt for the dignity of the House. He had no hesitation to say that the petition was unsupported by evidence. But the journals would show that this was not the first instance that similar petitions had been acted upon. The petitioners thought themselves injured, and had a right to call for redress. In order to get rid of this difficulty, he moved the previous question.

Mr. Jackson asked the yeas and nays, which were taken on the previous question, "Shall the main question be now put," and decided in the affirmative—yeas 74, nays 15, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Robert Brown, Levi Casey, John Chandler, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Findley, James Fisk, John Fowler, James M. Garnett, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, David Hough, John G. Jackson, Walter Jones, John Lambert, Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Philip R. Thompson, Uri Tracy, Abram Trigg, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Nathan Williams, and Joseph Winston.

Nays—Silas Betton, Christopher Clark, Samuel W. Dana, Caleb Ellis, William Ely, Joseph Lewis, jun., Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, Benjamin Tallmadge, Samuel Tenney, Thomas W. Thompson, Killian K. Van Rensselaer, and Peleg Wadsworth.

And then the main question being stated, "That the House do agree to the said motion," a division of the said question was called for: Whereupon, the first member thereof being again read, in the words following, to wit:

"*Resolved,* That the charges contained in the memorials of Samuel G. Ogden and of William S. Smith, are, in the opinion of this House, unsupported by any evidence which, in the least degree, criminates the Executive Government of this country."

The question was taken that the House do agree to the said first member of the motion, and resolved in the affirmative—yeas 75, nays 8, as follows:

Yeas—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, Elias Earle, Peter Early, James Elliott, Ebenezer Elmer, William Findley, James Fisk, John Fowler, James M. Garnett, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, David Hough, John G. Jackson, Walter Jones, John Lambert, Matthew Lyon, Patrick Magruder, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Pugh, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of

Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Philip R. Thompson, Uri Tracy, Abram Trigg, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Burwell Bassett, Samuel W. Dana, William Ely, Joseph Lewis, jun., Jonathan O. Mosely, Jeremiah Nelson, Josiah Quincy, and Killian K. Van Rensselaer.

The second member of the said motion being again read in the words following, to wit:

"That the said memorials appear to have been presented at a time, and under circumstances insidiously calculated to excite unjust suspicion in the minds of the good people of this nation, against the existing Administration of the General Government."

The question was taken that the House do agree to the said second member of the motion, and resolved in the affirmative—yeas 70, nays 13, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Robert Brown, Levi Casey, John Chandler, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, John G. Jackson, Walter Jones, John Lambert, Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Christopher Clark, Samuel W. Dana, William Ely, James M. Garnett, Joseph Lewis, jun., Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, Philip R. Thompson, Abram Trigg, and Killian K. Van Rensselaer.

The third member of the said motion being again read, in the words following, to wit:

"And that it would be highly improper in this House, to take any step which might influence or prejudice a cause now depending in a legal tribunal of the United States."

The question was taken that the House do agree to said third member of the motion, and unanimously resolved in the affirmative, by yeas and nays, every member present voting in the affirmative, to wit:

Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, John Blake, jun., Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Ely, William Findley, James Fisk, John Fowler, James M. Garnett, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, John G. Jackson, Walter Jones, John Lambert, Joseph Lewis, jun., Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, John Morrow, Jonathan O. Mosely, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, Samuel Tenney, David Thomas, Philip R. Thompson, Uri Tracy, Abram Trigg, Killian K. Van Rensselaer, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Richard Winn, and Joseph Winston.

The fourth and last member of the said motion being again read, in the words following, to wit:

"Therefore, *Resolved*, That the said memorials be, by the Clerk of this House, returned to those from whom they came:"

The question was taken that the House do agree to the said fourth and last member of the motion, and resolved in the affirmative—yeas 71, nays 14, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, Barnabas Bidwell, John Blake, junior, Robert Brown, Levi Casey, John Chandler, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, David Holmes, John G. Jackson, John Lambert, Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Thomas Moore, John Morrow, Gurdon S. Mumford, Thomas Newton, jun., Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, John Smith, Samuel Smith, Henry Southard, Joseph Stanton, David Thomas, Philip R. Thompson, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—George M. Bedinger, Christopher Clark, Samuel W. Dana, William Ely, Joseph Lewis, jun., Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Russell, Samuel Thompson, Thomas W. Thompson, Abram Trigg, and Killian K. Van Rensselaer.

DUTIES ON SALT.

The House took up the amendments of the Senate to the bill repealing the acts laying duties on salt, and continuing in force for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers,"

These amendments proposed striking out all the provisions of the bill relative to the repeal of the duty on salt.

Mr. ALSTON said he believed it would be in order to amend the amendment of the Senate. If it were, he would offer an amendment, which would go to take off the duty on salt to the amount of eight cents.

The SPEAKER considering the amendment, in the present stage of the business, not in order, the question was put on concurring in the amendments of the Senate.

Mr. J. RANDOLPH.—I understand this House to have sent a bill to the Senate repealing the existing duty on salt, and continuing for a further time the tax imposing a duty of two and a half per cent. on articles previously charged with ad valorem duties. The Senate have returned the bill, retaining the supply we voted, as well as the tax proposed by us to be repealed. I hope we shall not agree to their amendments, and the reasons I shall offer will not be those drawn from expediency, but from my idea of the Constitutional powers of this, and the other branch of the Legislature—which is, that it is the sole and indisputable prerogative of this House to grant the money of the people of the United States. It is here only that a grant of money can originate. It is true that the Senate have the power of amending money bills, but my idea of the extent to which that power can go, according to the true spirit of the Constitution, is this: While the Senate may amend money bills, to facilitate the collection of duties, or in other respects, as to their details, they do not possess the Constitutional power of varying either the quantum of tax proposed in this House, or the object on which it may be levied. I hope the House will never consent to give up this invaluable privilege of saying what supplies they will grant, and the object on which they shall be levied. But, even supposing this objection nugatory, I hope this House will not suffer itself to be trapped, on the last day of the session, in agreeing to a grant it was never in their contemplation to make. When we sent a bill to the other branch to continue the Mediterranean duty, we sent at the same time, a bill to repeal the duty on salt. The amendment from the Senate can be viewed in no other light than as originating a money bill in the Senate. It goes to originate a tax on salt. Such, in effect, will be the object and tendency of the measure. Let us suppose, instead of sending to the Senate a bill imposing a new tax, we had sent a simple bill to repeal this same tax upon salt—could the Senate, by an amendment, rivet and continue the Mediterranean fund? And if they could, would not that be originating a money bill? I hope the House will disagree to the amendments of the Senate.

Mr. SLOAN.—However I may expose myself to the censure of the gentleman from Virginia, I think it my duty to say something on a subject highly interesting to my constituents. Notwithstanding the talents and eloquence of that gentleman, I differ from him on this subject. I will ask what chance there was of obtaining the repeal of this tax upon salt, when the measure was proposed at the heel of a session, when it might have been offered three months ago, and connected with another thing which compelled me to vote for it? In my opinion, it is as Constitutional for us to agree to an amendment of the Senate as if the thing originated with us. I hope the House will agree to the amendment. The situation of our affairs requires it, and I trust we shall treat with contempt the attempt to force down so important a bill at the end of a session.

Mr. ALSTON thought it would be advisable to accommodate with the Senate. In order to obtain an accommodation, he should vote, in the first instance, against the amendments of the Senate. On a conference, they may agree to strike off the duty of eight cents on salt, and the next year, when we shall better understand the ground on which we stand, the House may be disposed still further to lessen the burden.

Mr. RHEA, of Tennessee.—I do not consider this bill as in the nature of a bill originating revenue, but as one, on the contrary, detracting from the revenue. I contend that the Senate have the power, at any time, to say they will not consent to the repeal of a revenue law, else they are a trifling, insignificant body. Are they not, as well as we, to judge of the exigency of the country? This is not a question of expediency, but of necessity. Though we are desirous of taking off the duty on salt, such is the situation of the country, menaced with foreign danger, and particularly with a war with Tunis, that the revenue ought not to be diminished. For these reasons I shall concur in the amendment of the Senate.

The yeas and nays were then taken on agreeing to the amendment of the Senate—yeas 24, nays 56, as follows:

YEAS—John Blake, jr., Richard Cutts, Ezra Darby, James Fisk, Isaiah L. Green, Walter Jones, Michael Leib, Matthew Lyon, Josiah Masters, Nicholas R. Moore, Gurdon S. Mumford, Thomas Newton, junior, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, Thomas Sammons, Thomas Sandford, Martin G. Schuneman, Jas. Sloan, David Thomas, Uri Tracy, John Whitehill, and Nathan Williams.

NAYS—Evan Alexander, Willis Alston, jun., Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, Robert Brown, Levi Casey, John Chandler, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Jacob Crowninshield, John Davenport, junior, John Dawson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Ely, John W. Eppes, James M. Garnett, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, David Holmes, David Hough, Joseph Lewis, jun., Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olin, Timothy Pitkin, jun., John Pugh, Josiah Quincy, John Randolph, John Rea of Pennsylvania, John Smilie, John Smith, Samuel Smith, Joseph Stanton, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Joseph B. Varnum, Peleg Wadsworth, Robert Whitehill, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Mr. J. RANDOLPH.—I hope we shall now adhere to our disagreement to the amendment of the

Senate. I hope we shall not concur with the Senate, under the idea of reducing the duty on salt from twenty to twelve cents. Notwithstanding a fear entertained by some gentlemen of a deficiency in the revenue, the House, by a vast majority, passed the bill repealing the duty on salt. The Message of the President was referred to the Committee of Ways and Means, and that Committee made a report recommending the taking off the duty on salt, and continuing the two and a half per cent. duty. Every objection to the measure that now exists then existed, and ought then to have been offered. We then sent to the other House a supply of money—a tax yielding $900,000, with the probability of its amounting the ensuing year to a million; in this same bill we proposed taking off a tax, which does not yield $600,000; we therefore made a grant of $400,000 annually. It is said that the amendment of the Senate does not go to the imposition of a new tax, but that it continues the revenue as it is. There is some plausibility, but no solidity in this remark. If it goes to continue the revenue as it now is, where is the necessity of continuing the duty of two and a half per cent.? It is therefore in fact a new money bill. Let me urge one thing to the House. If we ever mean to strike off the duty on salt, we must cling to the Mediterranean fund as the lever to lift this load from the shoulders of the people. It will be recollected that within five years we have taken off the internal taxes. I am glad of it; for I fear it would not now be done. They produced about $800,000, inclusive of the taxes which have expired, and $640,000 exclusive of them. But we have granted a supply of two and a half per cent. duties, which yield annually, from nine hundred thousand, to a million dollars. This is a complete offset to the repeal of the internal taxes. What we have lost by their repeal we have gained, with the addition of one or two hundred thousand dollars beyond the sum we should have received, had they been suffered to remain, and no addition been made to the duties on imports and tonnage; and yet we hear of the growing demands of the Government. But the growing demands of all Governments are alike. Do gentlemen recollect the growing state of the nation? When this Government was first put in motion, the duties on imports were not more than four or five millions. These resources are daily growing, and a fund accruing from the increasing prosperity of the people, which their guardians are bound to account for. Though we have contracted a debt for New Orleans, we have gained a revenue of not less than $300,000 a year. From these circumstances I hope we shall adhere to our disagreement to the amendments of the Senate, and that they will, in their justness and graciousness, yield a tax of half a million for a tax which produces a whole million. It is a new stretch of Senatorial prerogative, for that body——

The SPEAKER said the House had nothing to do with the conduct of the Senate—it was therefore out of order to make such remarks.

Mr. J. RANDOLPH.—I would wish to have nothing to do with the Senate; and am therefore in favor of adhering to our vote—though I believe, when there is a Constitutional question as to the powers of the two branches, we may very properly examine their proceedings. It is said the Senate may strike out all but the title of your bills. Indisputably; but will this House submit? Suppose you send a bill to the Senate laying a duty of two per cent. on saltpetre, and they send it back to you, striking out this provision, and giving you a bill in lieu of it, laying a tax of four shillings in the pound on all the lands of the United States. Is that, under the Constitution, a fair exercise of their power? To my mind, if the position be admitted, that it is the sole privilege of this House to grant the public money, it is extremely indecent, to say no more, for that branch of the Legislature to tell the United States they will get all the money they can, whatever may be the disposition of this House. Recollect how the salt tax was laid before—on the last day of an expiring Congress, after a proposition to lay the tax had been rejected, and members had gone home, under the persuasion that no such attempt would be renewed. By some little modification of that proposition, a tax of twenty cents was laid on every fifty-six pounds of salt, and riveted on the people forever. When I say forever, I mean the period of its being taken off depends on a branch of the Legislature, over which the people have but little control, who are the representatives, not of the people, but of the State sovereignties. Now, if the House do wish, as surely they must, to get rid of this tax, and if they believe, as they must, that the present circumstances of the country admit of its repeal, else the bill would not have passed by so large a majority, I hope they will adhere to their disagreement to the amendments of the Senate, and put it in the power of the other branch to take so much of the public money, as it is our pleasure to grant, and not one cent more.

Mr. RHEA, of Tennessee.—As I do not appear to have been understood, it is necessary that I should say a few words in explanation. I said nothing of the Mediterranean fund. I said then, and I still say, I do not contemplate this bill, so far as it relates to imposing a duty on salt, as a money bill; and I consider the amendment of the Senate as only a negation to the repeal of laws affecting the revenue. I said that House had a right to judge of the propriety of a repeal of a revenue law, and I say so still. We say we are in favor of a repeal of the law imposing a duty on salt—they say they are against it. What has that to do with originating a money bill? One is as distinct from the other as the effect from its cause. I agree that this House has the right to originate revenue laws; but, once enacted, they have an equal right with us to judge of the expedieney of rescinding them. With regard to this law, when I came here, I found it in existence, and I think in the present state of the country it ought to be continued. Have we not every reason to believe that we shall be embroiled in a war with Tunis? Will not this take all the revenue we have to spare? I shall be glad if it will not take more. We have no information from the Executive

Government, that this duty can be dispensed with. We have seen no report on the subject from the Secretary of the Treasury. It is not my duty to sit here and disarm the Government of the power of promoting the public interest. You may go on repealing one law after another, until the Executive has but the mere name of authority left. It has been said that the demands on the Treasury may increase—I believe they may justly increase; we know indeed they have increased. Since the meeting of Congress we have taken measures which may increase them for eventual good, for the benefit of the whole community. Being of this opinion, I must vote against this bill in every shape in which it comes before me.

Mr. J. Randolph.—I understand that if the House do adhere, all conference with the Senate will be at an end. If they prefere to keep the duty on salt to having the Mediterranean fund, they will refuse to recede from their amendments. But I have no idea they will refuse a revenue of a million for half a million. I am as anxious as any man to vote the necessary supplies of the Government, and perhaps my vote might have been materially influenced, had a different vote prevailed on the bill relative to the public debt, which has been postponed. But when I find the hands of the Commissioners of the Sinking Fund tied, and that there is a probability that they will be obliged to pour back into the Treasury, a part of the fund vested in them, I feel altogether indisposed to this amendment. If all the surplus revenue could be applied to the discharge of the debt, I might be as liberal as any man in granting it; but as it cannot, I am for adhering to our vote.

Mr. Conrad.—I hope we shall adhere, but try a conference. It will then be time enough to consider whether we will adhere. Anxious as I am to get rid of this odious tax, I will agree to reduce the duty to 12 cents, or keep the Mediterranean fund, and next session judge whether we are able to take off the whole of it.

Mr. Rhea, of Tennessee, said he barely rose to set the gentleman from Virginia right, by stating that the hands of the Commissioners of the Sinking Fund would not be tied for several years to come, and that Congress would be in session before any such great sum would be accumulated in their hands.

Mr. Lyon said he felt as great an aversion to the salt tax as any other man, but his strong wish was to act in such a manner that the Executive Government might not be distressed in discharging the duties devolved on it by the Legislature. He should vote against adhering, that a conference might be had with the Senate. He should vote for taking off the salt tax, if he thought the Government could do without it; and he had no doubt that most of the gentlemen were under the impression that the Secretary of the Treasury thought we could do without it. He said, for his own satisfaction, he had applied to the Secretary of the Treasury, who had told him the Government could not do without it.

The motion to adhere was then disagreed to—yeas 36, nays 42. When the House agreed to insist on their disagreement to the amendment of the Senate, and appointed a committee of conference.

And then, on a motion, made and seconded, the House adjourned until half past six o'clock, post meridiem.

Eodem Die, half past 6 o'clock.

A message from the Senate informed the House that the Senate have agreed to the conference desired by this House on the subject-matter of the amendment depending between the two Houses to the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes,'" and have appointed managers at the same on their part. The Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the President of the United States, and notify him of the proposed recess of Congress.

The House proceeded to consider so much of the aforegoing message of the Senate as relates to the appointment of a joint committee of the two Houses to wait on the President of the United States, and notify him of the proposed recess of Congress: Whereupon,

Resolved, That this House doth agree to the same; and that Mr. Early, Mr. Thomas M. Randolph, and Mr. Cutts, be appointed of the said committee, on the part of this House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act to amend, in the cases therein mentioned, the act to regulate the collection of duties on imports and tonnage:" Whereupon.

Resolved, That this House doth agree to the said amendment.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act for the punishment of counterfeiting the current coin of the United States, and for other purposes. The bill was reported without amendment.

The House proceeded to consider the said bill at the Clerk's table: Whereupon, the bill was read the third time, and passed.

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act respecting the claims to land in the Indiana Territory and State of Ohio:" Whereupon,

Resolved, That this House doth agree to the said amendment.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act for the regulation of the times of holding the Courts of the District of Columbia, and for other purposes. The bill was reported without amendment.

The House proceeded to consider the said bill at the Clerk's table: Whereupon, the bill was read the third time and passed.

Mr. Smilie, from the managers appointed this day, on the part of this House, to attend a conference with the Senate on the subject-matter

of the amendment depending between the two Houses to the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes," reported that they had met the managers on the part of the Senate, and had come to no agreement thereupon.

NAVAL PEACE ESTABLISHMENT.

A message from the Senate informed the House that the Senate recede from their amendment to the bill, entitled "An act in addition to an act, entitled 'An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes," to their disagreement to which this House hath insisted. The Senate adhere to their amendment to the bill, entitled "An act repealing the acts laying duties on salt, and continuing in force, for a further time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the Uuited States against the Barbary Powers."

Mr. GREGG, from the committee of conference on the same bill, observed that the conferees on the part of the Senate did not discover any disposition to recede from their amendments. The conferees on the part of the House stated the danger of losing the bill if the conferees did not relax, and proposed to meet them on the ground of compromise, by taking off the duty of eight cents imposed on salt. To this proposition the conferees on the part of the Senate declined acceding.

Mr. J. RANDOLPH moved that the House adhere to their disagreement to the amendments of the Senate.

Mr. SMILIE.—I shall now be against this bill, though I was originally in favor of it. The Senate having adhered to their vote, to repeal the duty on salt is out of the question. The only question now is, whether we shall continue the Mediterranean fund independent of the other. Seeing that I cannot get the first, I will not on that account lose the last; for I do believe, under present circumstances, it would be unwise to divest ourselves of the Mediterranean fund.

Mr. ALSTON.—Having done everything in our power to repeal the duty on salt or to lessen it, the only question is, whether we shall continue the Mediterranean fund until the next session or not. I call on gentlemen to take a review of the different estimates from the Treasury during the present session, and to consider the expenses they warrant—I allude particularly to the appropriation of two millions towards the purchase of the Floridas, to decide whether we can do without the Mediterranean fund. The great object with me in advocating the repeal of the duty on salt was to obtain the Mediterranean fund. We have done our part to effect this object. I believe with the aid of that fund, though the duty on salt had been taken off, our revenue would have been sufficient; though even the greatest economy would have been requisite in the disbursement of the public money. Official documents on our tables from the proper departments will show that we cannot do without the Mediterean fund; provided the objects for which we have made appropriations be carried into effect. At the next session, however, we shall know the measures taken by the Executive, and what our wants will be. This bill only extends the continuance of the fund to the next session, which will be on the third of March; and since, as it now stands, it will not expire until three months from the ratification of the treaty, this bill will only continue it for a period of six or seven months.

Mr. FINDLEY.—Though I represent a district which suffers more perhaps than any other in the United States from the duty on salt, yet I confess myself astonished at the mannner in which this bill has been brought before us. We have heard on a former occasion much about a cabinet. In this instance no cabinet has been consulted—but the measure has been smuggled in at the last period of the session. Are we sitting here to embarrass the character and credit of the United States? I thought the measure had come in on calculation: but, I find since that it is founded on miscalculation; and that it is a part of the system to throw the gauntlet, to destroy the Administration. The people have offered us no petitions to repeal this tax. What have we done? The Mediterranean fund is about to cease, and it is now proposed to give up the salt tax for it. This mode of bargaining—this system of corruption, I have always been averse to. I voted for the bill, because I thought it came from the Treasury Department, but instead of this, I find it part of a system to embarrass the Administration. I will agree to continue the Mediterranean fund, for I am not at war with the Government or any part of it. I know I am risking my popularity as much as any man; but I am not afraid of this, as I am convinced in a good cause I shall never suffer. There can be no good argument for the motion to adhere, but a desire to destroy the Administration.

Mr. D. R. WILLIAMS.—No man can be more earnestly impressed with the proverbial duty of paying respect to age than myself; but my feelings have never been more hurt than by the gentleman's impeaching the motive of those who have acted a patriotic part. The gentleman has avowed the idea, that the Committee of Ways and Means have been actuated by the view of embarrassing the Administration. I abhor and detest such an imputation. [Here was a loud cry of order by a number of gentlemen, and among others by Mr. T. M. RANDOLPH.]

Mr. FINDLEY said he hoped the gentlemen would be permitted to go on. He wished those who were opposed to the Government to speak out. [The call to order was again repeated.]

Mr. J. RANDOLPH.—I hope we shall adhere to our vote, and I will give my reasons for indulging this hope. I do not profess to be so well acquainted with the subjects of finance as some other gentlemen on this floor. But if the Mediterranean fund is to be continued for so short a time, it is obvious that the revenue to be gleaned from it will be proportionally small. The arguments of gentlemen therefore rebut themselves.

They declare that they want a revenue, while they acknowledge that the continuance of this tax will produce but a small one. I hope that we shall keep the Mediterranean fund as a hostage for the salt tax. If between this and the next session a deficiency shall occur in our ways and means, to meet the demands of the Government, it will not be the first time, as I know it will not be the last, in which I shall step forward to vote a supply to meet every honorable demand. If there shall be deficit, as there is no reason to believe there will be, I pledge myself as one of those who will meet it. I wish to adhere to our vote, that the Mediterranean fund may be lost; for we have been told by those who, I presume, are well acquainted on such points, that such a course will enforce economy, and I wish I could add, in the words of an honorable friend who has no longer a seat here, would insure economy. But what has thrown us into this heat? Is it the dinner we have just eaten? I hope no honorable gentleman, who has heretofore kept the noiseless tenor of his way, because we have adjourned for half an hour, has permitted his passions to indulge in an asperity not shown on any former occasion. I did hope that whatever contumely or hostility may have been manifested during the earlier period of the session, we would have thrown in the last moments of it, neither the splenetic temper of age or youth; but that we should have parted like men not ashamed of what we had done, or afraid to meet the public award.

The question was then taken by yeas and nays on adhering—yeas 40, nays 47, as follows:

Yeas—Evan Alexander, Burwell Bassett, George M. Bedinger, Silas Betton, Levi Casey, Samuel W. Dana, John Davenport, jr., Peter Early, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, James M. Garnett, Edwin Gray, Andrew Gregg, David Holmes, David Hough, Joseph Lewis, junior, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Gideon Olion, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, Samuel Smith, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, Alexander Wilson, Richard Winn, and Joseph Winston.

Nays—Willis Alston, jr., Isaac Anderson, Joseph Barker, Barnabas Bidwell, John Blake, jr., John Chandler, John Claiborne John Clopton, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, Elias Earle, William Findley, James Fisk, John Fowler, Isaiah L. Green, Silas Halsey, John G. Jackson, Walter Jones, John Lambert, Michael Leib, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Thomas Newton, jr., John Pugh, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, John Smilie, Henry Southard, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, R. Whitehill, and Nathan Williams.

Mr. T. M. Randolph.—It is true, as the gentleman says, I have not made much noise this season, and it is as true that he has made more than has been useful. I believe in the present stage of it that the advantage is on my side. I go home with a more contented mind, more tranquil feelings, and I may add also, I believe, a better heart, for not having engaged in the manner he has done, or in the character he has assumed, in the scenes exhibited before me in this House. Between the gentleman from Virginia and myself I acknowledge there is in point of talents an immeasurable distance. I can never hope to attain that intellectual elevation, which he has long since reached. At my inferiority in that respect I do not repine. I am what nature made me, and I am perfectly satisfied with my condition. But although there is this intellectual difference between the gentleman and myself, and the superiority is so great on his part in that point, I maintain that in the point of true patriotism he is my inferior. I do not hesitate to pronounce that myself, and I do not fear the imputation of vanity for so doing. With respect to the usefulness of either to the public, there is no such difference in reality between us as may appear to exist. I insist that the tenor of the gentlemen's recent conduct has been such, that with all his extraordinary powers and the extraordinary exertion of them he has made, his utility to his country this session has not been superior to mine. The difference between us, in the effect produced by either upon the public affairs, has been, to speak the favorite language of the gentlemen himself, the same with that between "*aviditas cœli*" and "*nimius imber*" upon the fields. To translate into the language of the gentleman's constituents, my influence on the national prosperity this session has been, when compared to his, what a dry summer is to a fresh, what a scanty crop is to an overwhelming inundation, confounding, sullying, impairing all things. The gentleman made use of the term "contumely." To this and other offensive terms, with an allusion which, as to me, is as unjust as it is insulting, I am sorry to think myself obliged to reply in other language than what I ever expected to use towards him. I have long observed that this gentleman is apt to indulge himself, while he has the shield of the dignity of this House extended over him, while he feels he is standing in the centre of this sacred asylum, in language to his equals upon this floor, which would be inadmissible in society; which he would not venture to make use of elsewhere. While saying this, I am fully aware of the consequences which may result from my expressions. My mind is arranged to meet them. I know the extreme irritability of the gentleman's temper; I know as well the principles which govern him upon occasions of this kind. I know the point to which he is disposed to carry disputes with some persons. I inform him that I have the same principles and sentiments myself upon such subjects. I never will, unprovoked, seek a quarrel with any one; this is entirely unsought and undesired by me; but I have always thought, and always shall think, that lead and even steel make very proper ingredients in serious quarrels, and I shall never be unwilling, when honor requires, to mix either or both in such as are forced upon me.

I have been hitherto a great admirer not only of the talents but of the utility of the gentleman in his public sphere. I am so no longer; the former are perverted, the latter has ceased. This gentleman has been from his first entrance into the public councils a kind of industrious, skilful, steady, and useful kitchen gardener in politics. His labor was constantly employed for the benefit of his country; it produced abundance of rich fruits and wholesome nutriment for its honor, its sustenance, and growth. He was beloved and cherished by it. Suddenly, last year he grew fond of the business of the florist, and took a distaste to the spade and manure by which he had come to such extraordinary thrift. He became dazzled with the splendors of that new calling, and not only resolved to change his trade, and set up in it, but conceived a strong contempt and aversion to such as followed the old. Behold, in one short season he has reached the verge of bankruptcy! For myself, I pronounce him bankrupt forever as a popular statesman.

The tenor of my course has been, I confess, little noisy. I have been encouraged in making it so by the improper length to which the gentleman himself has gone to the other extreme. If I were to say it was the unlucky example he has given me, which alone induced me to follow a contrary course, I should not speak the truth. My diffidence, and, no doubt, incapacity for such exertions, have been the main reasons; and I am not ashamed to confess it, for I have no hope to make myself abler than nature intended I should be, and no shame to appear as I am. I acknowledge that the gentleman's example and the situation to which he has brought himself, influenced my conduct, by repressing my desire to be active in the House. When I saw him, like a ship at sea, without compass or rudder, tossed on the surges of his passions, driven at random by furious squalls which continually arose from unexpected quarters of the boundless horizon of his fancy; when I saw the weather-beaten appearance his public character began to wear—his political honors, which I had been accustomed to look on with clannish feelings of delight, bleached and fluttering like tattered canvass in the winds; above all, when I heard it whispered that he had become leaky, I confess my want of boldness was increased. I feared to trust my little bark to the rude sea of debate, with the tempest he had raised on it. I made a determination that I would, to employ an apt term in use among seamen, hug the land, and hold a safe though inglorious course.

The House then agreed to recede from their disagreement to the amendment of the Senate—ayes 45, noes 36.

Mr. T. M. RANDOLPH, a short time after this, rose and made the following remarks:

Mr. Speaker—A little while since I made use of some very severe and harsh language towards a gentleman of this House, such as I acknowledge altogether improper to be used in it. I did so, because I believed that certain expressions of a disrespectful nature which dropped from him were directed to me. It struck me that they were, if not intended to insult, at least an unpardonable freedom with me. By a rapid movement of my mind, I came to a resolution not to go home with such a load on my feelings as was imposed by the recollection that the treatment I had received was in the face of a company of a hundred men, who were to disperse to-morrow, and spread my disgrace through all quarters of the Union. I took the resolution to run all risk; to brave any danger which I might possibly incur, and by a severe retaliation to shake off the load which oppressed my spirits. I made use of the language you heard, and I addressed it particularly to the gentleman who I conscientiously believed had injured me. Since that I have been told by six or seven different gentlemen, that I was mistaken; that the words were not directed to me; that they were meant for another. I have not been able to find one who would agree with me that I was the object of them. I have even had the mortification to be asked if it was not a studied attack on my part on the gentleman, for the course he has taken this session. I disclaim such an intention. Whatever may have been my secret thoughts, I had no wish to utter them here. I could not have done so with honor, unprovoked, for private reasons. I have never imagined such a design, nor could I to answer that end have used such language as part of what I uttered. I am conscious of the disrespect I have shown the House, and it appears that it is not, as I supposed, justified by the necessity of the case. My mistake was honest and natural—I regret it, and the expressions I used in consequence of it.

HAMET CARAMALLI.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act for the temporary relief of Hamet Caramalli." The bill was reported without amendment, read the third time, and passed—yeas 71, nays 6, as follows:

YEAS—Evan Alexander, Willis Alston, jun., Isaac Anderson, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, John Blake, jun., Levi Casey, John Chandler, John Claiborne, John Clopton, Frederick Conrad, Jacob Crowninshield, Samuel W. Dana, John Davenport, jr., John Dawson, Peter Early, Caleb Ellis, Ebenezer Elmer, William Ely, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, David Holmes, David Hough, John G. Jackson, Walter Jones, John Lambert, Joseph Lewis, jr., Matthew Lyon, Robert Marion, William McCreery, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gurdon S. Mumford, Jeremiah Nelson, Thomas Newton, jun., Gideon Olin, Timothy Pitkin, jr., Josiah Quincy, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Peter Sailly, Martin G. Schuneman, James Sloan, John Smilie, Henry Southard, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Thomas W. Thompson, Uri Tracy, Killian K. Van Rensselaer, Joseph B. Varnum, Peleg Wadsworth, John Whitehill, Robert Whitehill, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Ezra Darby, Josiah Masters, John Rea of Pennsylvania, Thomas Sammons, Samuel Smith, and David R. Williams.

COMPENSATION OF DOORKEEPER, &c.

Mr. CONRAD moved the following resolutions, which were read and agreed to by the House:

Resolved, That the Committee of Accounts be authorized to settle and adjust the account of T. Claxton, jr., for his services rendered this House during the present session, and allow such sum as they may deem due him, out of the contingent fund of this House: provided the same shall not exceed one hundred dollars.

Resolved, That the Committee of Accounts be authorized to allow out of the contingent fund of this House, for the services and attendance of a laborer to attend the Clerk's office and Library of Congress, not exceeding at the rate of twelve dollars per month for the said services.

Resolved, That the Clerk of this House be authorized to continue the contracts for the supply of stationery and printing for the present session, for the like supply at the next session of Congress, if the present contractors shall agree thereto; or otherwise, that he advertise for the same in manner directed by the resolution of twenty-eighth February, one thousand eight hundred and five. And that he be moreover directed to advertise and contract with the lowest bidder for the supply of fuel for the next session.

APPOINTMENT OF COMMITTEES.

Mr. SLOAN.—Mr. Speaker, I rise to offer two resolutions which, if adopted, will remove some existing difficulties, and greatly expedite business.

Introductory to offering these resolutions, I ask the indulgence and attention of this House to a brief recital of some facts, to prove the necessity of adopting them. If, in stating these facts, any member, or other person, should conceive that I speak too plain a language, or discover too much warmth, I beg them to consider the magnitude of the subject—that it is to counteract a deadly blow aimed at the vitals of our Government, under which we have enjoyed near thirty years liberty and independence, and prospered in a manner unparalleled in history; and that upon a just and true statement of facts being laid before this House, and the public, and passing a just sentence thereupon, depends the continuation of that happiness, peace, and prosperity, we have hitherto enjoyed. I also ask the attention of the citizens in the galleries, in which I include both the Yazoo speculators, and other dishonest citizens (if any there be) in the green gallery, and the honest citizens in the upper or white gallery—in doing which I thus publicly declare, that I disclaim, I detest, and I abhor all such invidious distinctions as were lately applied, by a member from Virginia, to the citizens in the galleries; and which he has so frequently applied to members, within these walls, during the present session, as evidently tending to destroy the peace and happiness of the citizens of these United States.

Shall mortal man, shall inexperienced youth, urged on by a vindictive spirit, and the most impetuous and ungovernable passions that ever were permitted to rage to such a height, in any Legislative body, composed of freemen, standing on an even floor, in any civilized country—invade the judgment seat of the Most High, and undertake to judge the secrets of the hearts, of not only the members of both branches of the Legislature of the United States, but also of the citizens in the galleries? Shall any member of this House be permitted to declare that Yazoo principles governed the high court of impeachment, in their decision on the trial of Judge Chase; and also the decisions of this House during the present session? Shall that member's multifarious declamations, and groundless accusations, against the first officers of the United States, and a large majority of their representatives, (after being so mutilated as scarcely to resemble the original,) go forth without any investigation or contradiction, to deceive the innocent, and unsuspecting,—to hold up that member as the invincible champion of liberty, and that his opposition to the present Administration flows from the same pure motives that his opposition to the former Administration did? They shall not.

I conceive it to be the duty of the representative of the people, to give them a just and impartial account of the conduct of their public servants, in their Executive and Legislative capacities; under this impression, I am perfectly in unison with that member, in his anxious desire for publicity, so far as it can be done without invading the rights of the Executive, or the other branch of the Legislature, and so far as it can be done without committing the interest, safety, and peace, of the United States.

He shall be gratified—he shall have publicity—his portrait shall be drawn to the life, accompanied with explanatory labels, and sent to every part of the Union, that the people may not only know the substance of his declamatory accusations, but be presented with a view of his attitude, and that unparalleled arrogance with which they were imposed upon the members of this House, by which they will be enabled to judge whether he has been, and still remains, the champion of liberty and honesty; or, whether he is a disappointed vindictive declaimer and unjust accuser of our Executive and members of Congress who believe it their duty to support them!

We are told in a good old book, (which that member frequently quotes, but how far his life and conversation is consonant with its excellent precepts, I leave for others to determine,) that the tree is known by its fruit. I trust I shall not be contradicted when I say that this criterion is the best that ever has or ever can be given whereby finite beings can judge with propriety the conduct of their fellow mortals. A sample of his fruits shall be handed to the public, that they may see and taste, and thereby be enabled to judge for themselves whether they are good and wholesome—yea or nay.

Mr. Speaker, the people are alarmed, they are astonished, to hear that a member of Congress, who, in 1803, was not barely a supporter of the present Administration, but one of its warmest advocates, in the year 1806 declare in the House of Representatives, that the conduct of that same

Administration evinces either gross ignorance or evil design, and that a principal part of the ingredients of which his multiform harangues are composed are a compound of insinuations, inuendoes, and positive invectives, against some members of the Executive and their supporters. Hence, a most important question arises: Are those high officers (alluding to the President and Secretary of State) in our Executive department changed; or, is the member from Virginia? It is of the highest importance to these United States that this question should be justly and speedily decided; for that purpose, let me ask what proof has he brought to substantiate his charges against the Administration? He has been called upon in this House to bring forward an impeachment; this he has declared he will not do; but still continues his declamatory accusations, and produces no kind of testimony to support his charges; he stands alone a public accuser and witness. Will the people of the United States, the tribunal to whom he appeals, pass sentence of condemnation upon the two first officers of the Government, and upon a great majority of their representatives, who, having the same opportunity of knowing the conduct of those officers, and from a conviction that they have faithfully discharged their duty, still continue their full confidence and support? I trust they will not.

Mr. Speaker, as the people of the United States is the tribunal to whom the member from Virginia has appealed, and to whom he has presented his multiform harangues and declamatory accusations, (I will not call them speeches; I think them as unworthy of that title as he can possibly think his fellow representative of the same State of being styled his colleague;) I conceive it necessary through the same medium (that is to say by a member of Congress in the House of Representatives) to present at least a brief statement of the defence of the accused and the conduct of the accuser. In doing this, I shall not pursue his course by invading the judgment seat of Him who only knoweth the secret imaginations of all hearts, and boldly assert what were his motives; but as he has adduced no proof but his own assertions, common report, and hearsay testimony from those few that he yet styles his very worthy friends, I trust I am correct in adducing the same kind, to enable the public to judge for themselves what are his motives, which I will now proceed to do, with the addition of some incontrovertible facts, which I am persuaded will carry conviction to every impartial mind.

Report says that the member from Virginia contemplated a voyage to the south of France, or England, for his health. Did he wish to have been appointed Minister to one of those Courts, that he might have had a chance of increasing his property as well as his health? or, is he so enamored with the spark that has emanated from the British Court, and now glitters in this city, that he is anxious to behold with what effulgence the source from which it proceeded glows? Is it from this source that he has received information that Great Britain stands now precisely in the same situation that republican France did in 1793, that she is fighting the battles of liberty, that her fleets are our only protection from Gallic tyranny, and that she has a ship of war for every square league of the ocean; but that, if we offend her Minister, he will not barely withdraw his former most gracious protection, but wreak his vengeance upon us by capturing all our vessels, burning all our seaport towns, and driving us from the seacoasts over the mountains? Is it from that source that he has received information that the conduct of our Executive evinces either gross ignorance, or evil design, which has induced him to withdraw his confidence from them forever, and that he is the only true patriot, the only honest, inflexible member of Congress that remains uncontaminated? or, to use his own metaphor, that is not yet melted down by the powerful sunbeams of Executive favors?

While contemplating the invincible power of the British navy, has he also been enamored with the insolent tyranny of the commanders of her armed vessels, and has that induced him to pour forth torrents of abuse upon those members of Congress, who will not, in all cases, agree to see with his eyes, to hear with his ears, and to understand with his heart?

Has he been so enamored with the conduct of the once patriotic statesman, but afterward apostate Burke, as to induce him to make a puerile attempt to exhibit, on the floor of this House, his impressive and energetic mode of delivery, by exerting his weak nerves and feeble arms, to cause the pens, the papers, the books, and the hats, to fly in every direction, insomuch that, if they had been musket balls instead of those light materials, the American patriot would soon have been left to exhibit the remainder of his superlative eloquence within empty walls?

Upon this subject an all-important question arises, in which the interest, the peace, and the happiness of these United States are deeply involved. Can you, my brethren, members of this House, who have been witnesses of those scenes, represent to your constituents the actor as an inflexible patriot, of a sound mind, influenced by pure motives, and views, solely directed to the promotion of the interest, peace, and happiness of the Union; or, as a petted, vindictive school-boy, in the absence of his master; or as a maniac in his straight-jacket, accidentally broke out of his cell? Can you, after being charged by that member with refusing to take a question on Saturday, in order that you might serve the Lord on Sunday, by holding a caucus, and thereby be corrupted—nay, further, that you have been swindled out of your opinion in half an hour by a few individuals round the fires, and after his charging you with having your eyes fixed on the half-way house, between the Capitol and Georgetown, and your views directed toward our next Presidential election, instead of the great business of the nation; and that you would attend to nothing but writing circulars and newspaper accounts; that is to say, you were not disposed to fix your whole attention upon him—to implicitly obey his mandates, or

tacitly acknowledge him as sole dictator—can you, I say, subscribe to the truth of those assertions? Are you prepared to acknowledge that youth the political saviour of his country, and to sanction his language and behaviour on the floor of this House, when you heard him exclaim on this wise: Away with him, away with him, clap on the crown of thorns, (clapping his hand on the top of his head,) crucify him, crucify him, (whirling his feeble arm round his head,) thereby placing yourselves in a similar situation to the hard-hearted Jews?

Are you prepared to permit that member to invade the Speaker's chair; to behold him shutting his fist, and pointing directly to another member, in an imperious tone of voice, not only order him to sit down, but to go down the back stairs—declaring that was the place for him? And, finally, have you heard him, with approbation, charge an aged member of this House, (Mr. FINDLEY,) with mumbling out his words in such manner that none could understand him; and call him an old toothless driveller, superannuated, and in his second dotage; more especially when you recollect that, but a short time past, he styled that member his venerable friend, his political father, and acknowledged it an honor to act with him?

I trust you are not; you are not yet prepared to see order and decorum trampled on by an individual; nor common decency, and that respect for age, so strongly enjoined by the laws of God and man, and even by the savages of the wilderness, banished from these walls. I doubt not your beholding the foregoing scenes, as I have done, with detestation and abhorrence, and will represent them in that point of view, to your constituents, when you return home!

I will not detain the House with a detailed account of that member's patriotic and paternal care over his horn-book scholars, which, immediately on hearing that the House had taken up the British business, raised him from a sick bed, winged his speed to the Capitol, and overcame the weakness of his feeble frame in so admirable a manner as to enable him to occupy the floor almost the whole of the two first days' debate, displaying a degree of zeal unparalleled by any other American patriot, to guard our weak minds from being deceived by the tools of that Administration, which his penetrating genius alone had discovered, was governed either by gross ignorance or evil design. To do this would be to write a volume. The foregoing brief recital of a few of the most prominent features of that member's general conduct during the present session, will, I conceive, be sufficient to enable the citizens of the United States to decide, with propriety, the all-important question, is the Executive or the member from Virginia changed? Are his charges against the Executive founded in fact, or is he a disappointed declaimer, and his accusations unfounded?

I will now proceed to state the facts which I premised, by which the citizens of the United States will be presented with indubitable proof, that, in two very important cases, he has been the principal if not the sole cause of greatly embarrassing the Executive, whereby considerable loss has been sustained, and probably much more will be, and the inferior officers and their clerks materially injured by being unjustly kept out of their salaries for a considerable time after they became due.

1st. It appears by the secret Journal, lately published, that a Message of the President of the 6th of December last, was committed to a committee of seven, of whom the member from Virginia was chairman; that, notwithstanding the critical situation of the belligerent Powers of Europe, which rendered it essentially necessary that Congress should act immediately upon the important subjects contained in the Message, which did not admit of a moment's delay; yet, notwithstanding the urgency of the occasion and magnitude of the object, no report was made by that committee until the third of January, a space of four weeks. For the truth of this assertion. I appeal to the members of this House; and also for the great delay and embarrassment, a bill predicated on the aforesaid Message met with in its passage, principally from the chairman of that committee, who, I am fully persuaded, occupied the floor at least nine-tenths of the whole time of the debate on said bill; by which means its passage was delayed in the House of Representatives until the 16th of January; whereas, on the 11th of February, 1803, a report of a committee for appropriating two million of dollars for a similar purpose was made, and a bill predicated thereon passed the House of Representatives on the 15th of the same month; that member was then a zealous advocate of the measure. It needs no comment.

2d. The second case I shall adduce, is his delay in bringing forward the appropriation bills for the support of Government, Army, and Navy, of the United States; the appropriation for the War Department, passed in 1804, on the 10th of February; and, in 1805, on the 14th, and for the Navy in 1804, on the 31st of January; and, in 1805, on the 25th of the same month; 1806, two months, or more, later.

Notwithstanding which, that member has asserted on this floor that it is too late for the bill appropriating two millions of dollars for the purchase of the Floridas to have the desired effect; that the battle of Austerlitz will prevent a favorable issue of our negotiation with Spain; or, to use his own language, with France; and has also charged the Executive with being unable to send off the sloop Hornet with despatches, for want of money; that they have been obliged to discount notes at a very great loss; that, in so doing, they have acted worse than the former Administration, who resorted to eight per cent. loans. Here, let me ask, if ever, before this session, there was such an insult offered to the House of Representatives, and to the Executive of the United States, as for an individual member, whose business, as chairman of the Committee of Ways and Means, it was, to bring forward and attend to filling up the blanks in all appropriation bills—after having neglected or refused to do his duty in the proper and usual time—rise from his seat, near two

months after, and, with a contemptuous smile, inform the House that All-fools' day was at hand, when, if we did not pass the bill for the support of Government, we should look like fools indeed? Thus adding insult to injury, by charging his own mal-conduct to the account of injured innocence.

3d. I shall now proceed to the third and last charge which I shall at this time adduce, which has been exhibited by that member against our Executive for applying to draw money from the Treasury for the purchase of the Floridas, previous to an appropriation made by law for that purpose; which is refuted by that very respectable officer, the Secretary of the Treasury, to whose testimony that member, after publicly declaring that he was inferior to none—notwithstanding which he had been scouted from the Cabinet—is bound to give full faith and credit. It is in a letter addressed to the honorable Speaker of the House of Representatives, bearing date April 15, 1806, in the following words:

"SIR: In answer to the request contained in the resolution of the House of Representatives, of the 8th instant, I have the honor respectfully to state, that no application has been made to draw money from the Treasury, for the purchase of the Floridas, before an appropriation made by law for that purpose."

Mr. Speaker, I trust I shall not be contradicted, when I assert, that it is a sound principle, both in law and equity, that proving one part of the testimony of a witness false, greatly invalidates, if not wholly destroys all credibility of the other parts. This, to use that member's favorite phraseology, "being indisputably done;" the other insinuations, inuendoes, and direct charges of malconduct against the Executive, and a majority of the members of Congress, consequently fall into that contempt which all groundless accusations against the innocent justly merit.

I shall at this time present to view but one more of those extraordinary productions which have so frequently and so greatly retarded the necessary business of the House of Representatives during the present session.

It will be remembered that in one of the rhapsodies of the member from Virginia, after informing the House that he had read a pamphlet, called "War in Disguise," supposed to be written by some of the British Ministry, or their hirelings, in support of their unjust and tyrannical conduct to wards neutral nations, he took up a pamphlet, called "An Examination of the British Doctrine, which subjects to capture a Neutral Trade, not open in time of Peace," and with as much apparent violence as he could possibly have exerted to prevent an assassin from taking his life, threw those hated pages upon the floor of the House, to be trodden under foot by men, declaring, that of this pamphlet, which contains 204 pages, his abhorrence of its contents permitted him to read but 11. This needs no further comment than barely to observe, that the pamphlet which he had perused, and of which he expressed his approbation, was written to support injustice and tyranny; and the other, which so highly excited his indignation, to show the baseness of such doctrines, and to support justice, equal liberty, and the inherent rights of man; which will cause the author of that pamphlet, and his supporters, to shine as stars of the first magnitude, when the admirers and supporters of British Ministers and their hirelings shall be consigned to eternal contempt!

Mr. Speaker, after hearing so many insinuations, inuendoes, and direct accusations, thrown out against our Executive, and a majority of the members of Congress, which, if believed, must alienate the affections and finally destroy the confidence of the people of the United States, I conceive it a duty enjoined on me by my present station to lay before this House the foregoing brief statement of facts, in order that they may be published for the perusal of the public, and to oppose my opinion to that of the member from Virginia. My opinion most decidedly and unequivocally is, that all the declamations and accusations we have heard from him against any branch of our Executive, so far as it goes to impeach their knowledge, prudence, or integrity, is entirely groundless and contrariwise; that, as far as has come to my knowledge, our Executive in all its departments has discharged its duties in such manner as to merit the approbation and entire confidence of the people of these United States. To their good sense and impartial judgment I leave to determine whether the conduct of the Executive, and a majority of the House of Representatives, has fixed on them a stain of so deep a die that all the waters of the Potomac can never wash it off; or whether the groundless accusation of that member has not indelibly stamped him, not barely with a stain, but a deep sable hue, which all the waters of the Mississippi, that great parent of floods, even if connected with the most powerful fuller's soap, can ever cleanse or change to its native color; and, finally, whether a member of Congress who has, to the utmost of his power, fixed in battle array the citizens of the South against those of the North, and the West against the East, or those members who uniformly endeavored to promote love and harmony among all classes of citizens, as children of one family, are the real friends of the interest, liberty, peace, and happiness of these United States.

I shall conclude with offering, if seconded, two resolutions, which I do with a desire to have them placed on the Journal, intending to call them up the first day of the next session. I offer these resolutions for the purpose hereafter of keeping the business of the House of Representatives within its own power, and to prevent in future the most important business of the nation from being retarded by a Chairman of the Committee of Ways and Means, or any other committee, from going to Baltimore or elsewhere, without leave of absence, and staying six days or more, either for his pleasure or his interest; to prevent the members of this House from being hereafter insulted by chairmen, or other members of the committees, for calling business out of their hands, after having kept it either from negligence or

evil design more weeks than they ought to have done days. To prevent in future the Chairman of the Committee of Ways and Means from keeping for months the estimates for the appropriations necessary for the ensuing year in his pocket, or locked up in his desk, whereby the different appropriation bills may be kept back (as they have been this session) to the great injury of the nation, as well as individuals; and, finally, to prevent hereafter bills of importance being brought forward, and forced through the House, near the close of a session, when many members are gone home, and the minds of those who remain are necessarily turned homeward to their domestic concerns, and when there is not time for that full investigation and cool deliberation necessary to decide with propriety on important subjects, by which means laws may be passed injurious to the interests of the United States and derogatory to the character of the House of Representatives.

I trust every member of this House, after experiencing the embarrassments of the present session, will be impressed with the necessity of preventing them in future; for that purpose I offer these resolutions.

Mr. SLOAN then submitted the following resolutions:

Resolved, That hereafter all standing committees of the House of Representatives shall be appointed by ballot, and shall choose their own chairman.

Resolved, That all committees of the House of Representatives be called upon by the Speaker every Monday to report, unless dispensed with by the unanimous consent of the House.

Ordered, That the said motion do lie on the table.

ADJOURNMENT.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act for the relief of Seth Harding, late a Captain in the Navy of the United States," was postponed indefinitely.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act to explain the fifth section of an act, entitled 'An act to divide the Indiana Territory into two separate Governments,'" was postponed indefinitely.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act in addition to the act establishing a Mint, and regulating the coins of the United States," was postponed indefinitely.

The order of the day for the House to resolve itself into a Committee of the Whole on the bill for the relief of the Governor, Judges, and Secretary, of the Indiana Territory, was postponed indefinitely.

On a motion made and seconded, that the further consideration of the report of the committee appointed, on the twenty-first ultimo, to inquire into the conduct of Gideon Granger, Postmaster General of the United States, be postponed indefinitely: it was resolved in the affirmative.

Mr. EARLY, from the committee appointed on the part of this House, jointly, with the committee appointed on the part of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress, reported that the committee had performed that service; and that the President signified to them he had no farther communication to make during the present session.

A message from the Senate informed the House that the Senate, having finished the legislative business before them, are now ready to adjourn.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now about to adjourn until the first Monday in December next; and that the Clerk of this House do go with the said message.

The Clerk accordingly went with the said message; and, being returned, Mr. SPEAKER adjourned the House until the first Monday in December next.

SUPPLEMENTAL JOURNAL

OF SUCH PROCEEDINGS OF THE FIRST SESSION OF THE NINTH CONGRESS, AS, DURING THE TIME THEY WERE DEPENDING, WERE ORDERED TO BE KEPT SECRET, AND RESPECTING WHICH THE INJUNCTION OF SECRECY WAS AFTERWARDS TAKEN OFF BY ORDER OF THE HOUSE.

FRIDAY, December 6, 1805.

The SPEAKER laid before the House a letter and communication from the PRESIDENT OF THE UNITED STATES, which were read.

Ordered, That the said letter and communication, together with the documents accompanying the same, be referred to Mr. JOHN RANDOLPH, Mr. NICHOLSON, Mr. JOHN C. SMITH, Mr. MUMFORD, Mr. WILLIAMS of South Carolina, Mr. BIDWELL, and Mr. BROWN.

FRIDAY, January 3, 1806.

Mr. JOHN RANDOLPH, from the committee to whom was referred the Message and communication of the President of the United States, of the sixth of December last, together with the documents accompanying the same, made a report thereupon, as follows:

Report of the committee to whom were referred the Message of the President of the United States, of the sixth December, 1805.

The committee have beheld, with just indignation, the hostile spirit manifested by the Court of Madrid towards the Government of the United States, in withholding the ratification of its convention with us, although signed by its own Minister, under the eye of his Sovereign, unless with alterations of its terms affecting claims of the United States, which, by the express condition of the instrument itself, were reserved for future discussion: in piratical depredations upon our fair commerce; in obstructing the navigation of the Mobile; in refusing to come to any fair and amicable adjustment of the boundaries of Louisiana; and in a daring violation, by persons acting under the authority of Spain, and, no doubt, apprized of her sentiments and views, of our undisputed limits, which she had solemnly recognised by treaty.

To a Government having interests distinct from those of its people, and disregarding their welfare, here is ample cause for a formal declaration of war on the part of the United States, and such, did they obey the impulse of their feelings alone, is the course which the committee would not hesitate to recommend; but, to a Government identified with its citizens, too far removed from the powerful nations of the earth for its safety to be endangered by their hostility, peace must always be desirable, so long as it is compatible with the honor and interest of the community.

Whilst the United States continue burdened with a debt which annually absorbs two-thirds of their revenue, and duties upon imports constitute the only resource from which that revenue can be raised, without resorting to systems of taxation not more ruinous and oppressive than they are uncertain and precarious, the best interests of the Union cry aloud for peace. When that debt shall have been discharged, and the resources of the nation thereby liberated, then may we rationally expect to raise, even in time of war, the supplies which our frugal institutions require, without recurring to the hateful and destructive expedient of loans; then, and not till then, may we bid defiance to the world. The present moment is peculiarly auspicious for this great and desirable work. Now, if ever, the national debt is to be paid by such financial arrangements as will accelerate its extinction, by reaping the rich harvest of neutrality, and thus providing for that diminution of revenue which experience teaches us to expect on the general pacification of Europe. And the committee indulge a hope that, in the changed aspect of affairs in that quarter, Spain will find motives for a just fulfilment of her stipulations with us, and an amicable settlement of limits, upon terms not more beneficial to the United States than advantageous to herself; securing to her an ample barrier on the side of Mexico, and to us, the countries watered by the Mississippi, and to the eastward of it. But, whilst the committee perceive, in the general uproar of Europe, a state of things peculiarly favorable to the peaceable pursuit of our best interests, they are neither insensible to the indignity which has been offered on the part of Spain, nor unwilling to repel similar outrage. On the subject of self-defence, when the territory of the United States is insulted, there can be but one opinion, whatever differences may exist on the question, whether that protection which a vessel finds in our harbors shall be extended to her, by the nation, in the Indian or Chinese seas? Under this impression, the committee submit the following resolution:

"*Resolved*, That such number of troops (not exceeding ——) as the President of the United States shall deem sufficient to protect the southern frontiers of the United States from Spanish inroad and insult, and to chastise the same, be immediately raised."

The said report was read, and ordered to be referred to the consideration of a Committee of the whole House on Monday next.

On a motion made and seconded that the House do come to to the following resolutions:

Resolved, That $ —— be appropriated by law for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any moneys in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall have authority, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum per annum, and shall cause an account of the expenditure thereof to be laid before Congress as soon as may be.

Resolved, That the additional duty of two and a half per centum ad valorem, imposed by an act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," be continued for —— years.

Ordered, That the said resolutions be committed to the Committee of the whole House to whom is committed the before mentioned report of the committee on the Message and communication of the President of the United States, of the sixth of December last.

MONDAY, January 6.

The House resolved itself into a Committee of the Whole on the report of the committee to whom were referred the Message and communication from the President of the United States, of the sixth of December last, and the documents accompanying the same, as also the resolutions referred to the said Committee of the whole House on Friday last; and, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

TUESDAY, January 7.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That any arrangement of limits between the United States and Spain, which shall secure to her an ample barrier on the side of Mexico, and to the United States the countries watered by the Mississippi, and to the eastward of it, will meet the approbation and support of this House;

Ordered, That the said resolution be committed to the Committee of the whole House to whom is referred the report of the committee on the Message and communication from the President of the United States, of the sixth of December last, and the documents accompanying the same, as also two resolutions referred to the same Committee of the whole House on Friday last.

The House then again resolved itself into a Committee of the Whole on the said report and resolutions, and after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

WEDNESDAY, January 8.

The House again resolved itself into a Committee of the Whole on the report of the committee to whom were referred a Message and communication from the President of the United States, of the sixth of December last, and the documents accompanying the same; as, also, on two resolutions referred to the same Committee of the Whole on Friday last, and one other resolution referred to the same Committee of the Whole on Tuesday last; and, after some time spent therein, the Committee rose, and reported progress, and had leave to sit again.

THURSDAY, January 9.

The House again resolved itself into a Committee of the Whole on the report of a committee to whom were referred a Message and communication from the President of the United States, of the sixth of December last, and the documents accompanying the same; as, also, on two resolutions referred to the same Committee of the Whole on Friday last, and one other resolution referred to the same Committee of the Whole on Tuesday last; and, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

FRIDAY, January 10.

The House again resolved itself into a Committee of the Whole on the report of the committee to whom were referred a Message and communication from the President of the United States, of the sixth of December last, and the documents accompanying the same; as, also, on two resolutions referred to the same Committee of the Whole on Friday last, and on one other resolution referred to the same Committee of the Whole on Tuesday last; and, after some time spent therein, the Committee rose, and reported to the House their disagreement to the resolution contained in the report of the committee aforesaid; also, their agreement to the first of the two resolutions referred to them on Friday last, with sundry amendments; and, further, that the said Committee of the Whole not having time to go through the whole of the business referred to them, ask for leave to sit again.

On the question that the Committee of the Whole have leave to sit again, it passed in the negative.

Ordered, That the report of the Committee of the Whole do lie on the table.

SATURDAY, January 11.

The House proceeded to consider the report of the Committee of the Whole, made yesterday, on the report of the committee to whom was referred the Message and communication from the President of the United States, of the sixth of December last, and sundry resolutions of the third and seventh instants. Whereupon, the resolution contained in the report of the committee on the President's Message, aforesaid, being read, in the words following, to wit:

"*Resolved*, That such number of troops, not exceeding ——, as the President of the United States shall deem sufficient to protect the Southern frontiers of the United States from Spanish inroad and insult, and to chastise the same, be immediately raised."

The question was taken, that the House do agree with the Committee of the Whole in their disagreement to the same, and resolved in the affirmative—yeas 72, nays 58, as follows:

YEAS—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, John Boyle, William Butler, George W. Campbell, Levi Casey, John Chandler, Matthew Clay, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crown-

inshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, Jno. Hamilton, Jas. Holland, David Holmes, John G. Jackson, Thomas Kenan, Nehemiah Knight, John Lambert, Michael Leib, Robert Marion, Josiah Masters, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Richard Stanford, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, David R. Williams, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

NAYS—John Archer, Burwell Bassett, Silas Betton, James M. Broom, Joseph Bryan, John Campbell, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, George Clinton, jun., Samuel W. Dana. John Davenport, jun., Peter Early, Caleb Ellis, William Ely, John Fowler, James M. Garnett, Charles Goldsborough, Seth Hastings, David Hough, Walter Jones, Jas. Kelly, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, Patrick Magruder, William McCreery, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Thomas Newton, jun., Joseph H. Nicholson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, Peter Sailly, Thomas Sandford, John C. Smith, John Smith, Samuel Smith, Thomas Spalding, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, Matthew Walton, Eliphalet Wickes, Alexander Wilson, and Joseph Winston.

The House then proceeded to consider the amendments reported by the Committee of the Whole to the first resolution referred to them, on the third instant, which resolution and amendments being read, as follows:

Resolved, That —— dollars be appropriated, by law, for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any moneys in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall have authority to borrow the said sum, or any part thereof, on behalf of the United States, at a rate of interest not exceeding six per centum per annum, and shall cause an account of the expenditure thereof to be laid before Congress, as soon as may be.

AMENDMENTS.

First. Prefix a preamble, in the words following, to wit: "Whereas, in the settlement of our differences with Spain, it may be to the interest of the United States to procure a cession of the Spanish territories eastward of the river Mississippi, by purchase to enable the President, in effecting such purchase, to secure to the United States the most advantageous terms."

Second. Strike out the words, "any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," and insert "the expense which may be incurred in the purchase of the Spanish territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the Mississippi."

Third. After the words "per annum," insert "redeemable at will."

The first of the said amendments, to fix a preamble to the resolution, being again read, it was moved to amend the said preamble by preceding it with the following words:

"France having transferred to the United States the sovereignty of Louisiana, embracing extensive but undefined countries, contiguous to the Spanish province of New Mexico, and Spain retaining the sovereignty of territories on the Atlantic ocean and Gulf of Mexico, detached from her other American possessions, but whose local position render them desirable to the United States; and,"

And on the question thereupon, it was resolved in the affirmative—yeas 74, nays 57, as follows:

YEAS—Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, Silas Betton, James M. Broom, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, George Clinton, jun., John Clopton, Samuel W. Dana, John Davenport, jun., Peter Early, Caleb Ellis, William Ely, John Fowler, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Michael Leib, Joseph Lewis, jun., Henry W. Livingston, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jun., Joseph H. Nicholson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John C. Smith, John Smith, O'Brien Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

NAYS—Willis Alston, jun., Joseph Barker, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, William Butler, George W. Campbell, John Chandler, Matthew Clay, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, Nehemiah Knight, John Lambert, Matthew Lyon, Patrick Magruder, Jeremiah Morrow, Roger Nelson, Gideon Olin, John Pugh, Thomas M. Randolph, John

Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, and Nathan Williams.

And then the said preamble, as amended, being under consideration, it was, on motion, ordered to lie on the table.

MONDAY, January 13.

The House resumed the consideration of the report of the Committee of the Whole of Friday last: Whereupon, a motion was made, and the question being put, that the said report be recommitted to the Committee of the Whole, it passed in the negative.

And then the second amendment, reported by the said committee, to the first resolution referred to them, being again read as follows:

Strike out the words "any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," and insert "the expense which may be incurred in the purchase of the Spanish Territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the Mississippi:"

The question was taken that the House do concur with the Committee of the whole House in their agreement to the said amendment, and resolved in the affirmative—yeas 74, nays 58, as follows:

YEAS—Isaac Anderson, John Archer, David Bard, Burwell Bassett, George M. Bedinger, Silas Betton, James M. Broom, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jr., John Clopton, Leonard Covington, Samuel W. Dana, John Davenport, jr., Caleb Ellis, William Ely, John Fowler, James M. Garnett, Charles Goldsborough, Edwin Gray, John Hamilton, Seth Hastings, David Holmes, David Hough, Walter Jones, James Kelly, Thomas Kenan, Michael Leib, Joseph Lewis, jr., Henry W. Livingston, Matthew Lyon, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip VanCortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Alexander Wilson, and Joseph Winston.

NAYS—Willis Alston, jr., Joseph Barker, Barnabas Bidwell, Phanuel Bishop, Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, William Butler, George W. Campbell, John Chandler, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, Andrew Gregg, Isaiah L. Green, Silas Halsey, William Helms, James Holland, John G. Jackson, Nehemiah Knight, John Lambert, Patrick Magruder, Jeremiah Morrow, Roger Nelson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Jos. B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Nathan Williams, and Thomas Wynns.

The third and last amendment reported by the Committee of the whole House to the said first resolution, to insert after the words "per annum," the words "redeemable at will," was, on the question put thereupon, agreed to by the House.

TUESDAY, January 14.

The House resumed the consideration of the report of the Committee of the whole House on Friday last: Whereupon, the first resolution reported by the said Committee, as amended, being again read, a motion was made, and the question being put, further to amend the same, by striking out, in the first line thereof, the words, "for the purpose of," and inserting, in lieu thereof, the word "toward:" it was resolved in the affirmative—yeas 62, nays 44, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, David Bard, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., Thomas Blount, Robert Brown, Joseph Bryan, Wiliam Butler, George W. Campbell, Levi Casey, Joseph Clay, George Clinton, jr., Frederick Conrad, Jacob Crowninshield, Ezra Darby, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Findley, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, James Holland, John G. Jackson, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jr., Gideon Olin, John Pugh, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Abram Trigg, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

NAYS—James M. Broom, John Campbell, Martin Chittenden, John Claiborne, Christopher Clark, John Clopton, Leonard Covington, Samuel W. Dana, John Davenport, jr., Caleb Ellis, James M. Garnett, Charles Goldsborough, Edwin Gray, David Holmes, David Hough, James Kelly, Jos. Lewis, jr., Henry W. Livingston, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of

Pennsylvania, Thomas Sammons, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, William Stedman, Lewis B. Sturges, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, David R. Williams, Marmaduke Williams, and Alexander Wilson.

Another motion was made, and the question being put, further to amend the said resolution by adding to the end thereof the following proviso:

"*Provided*, That the sum stipulated to be paid shall not exceed —— dollars:"

It passed in the negative—yeas, 57, nays 62, as follows:

YEAS—George M. Bedinger, Silas Betton, Jas. M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, John Clopton, Leonard Covington, Samuel W. Dana, John Davenport, jr., Caleb Ellis, William Ely, James Fisk, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, jr., Henry W. Livingston, Josiah Masters, William M'Creery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

NAYS—Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., Thomas Blount, Robert Brown, Joseph Bryan, George W. Campbell, John Chandler, Joseph Clay, Frederick Conrad, Jacob Crowninshield, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, William Findley, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, William Helms, James Holland, John G. Jackson, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jr., Gideon Olin, John Pugh, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

And then the main question being put, that the House do agree to the first resolution, amended to read as follows:

Resolved, That —— dollars be appropriated, by law, towards defraying the expenses which may be incurred in the purchase of the Spanish territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the Mississippi, to be paid out of any money in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall have authority, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum per annum, redeemable at will; and shall cause an account thereof to be laid before Congress, as soon as may be:

It was resolved in the affirmative—yeas 77, nays 54, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, Joseph Clay, George Clinton, jr., John Clopton, Frederick Conrad, Orchard Cook, Leonard Covington, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, Walter Jones, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Jos. B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

NAYS—Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Matthew Clay, Samuel W. Dana, John Davenport, jr., Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, jr., Henry W. Livingston, Matthew Lyon, William McCreery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, junior, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, John Smith, Samuel Smith, Thos. Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, D. R. Williams, Marmaduke Williams, and Alexander Wilson.

A motion was then made, and the question being put, that the House do come to the following resolution:

Resolved, That an exchange of territory between the United States and Spain is deemed, by this House, to be the most advantageous mode of settlement of existing differences respecting limits between the United

States and the Court of Madrid, and that any arrangement between the two Governments which shall secure to Spain an ample barrier on the side of Mexico, and to the United States the countries watered by the Mississippi, and to the Eastward of it, will meet the approbation of this House:

It was resolved in the affirmative—yeas 80, nays 52, as follows:

YEAS—John Archer, David Bard, Burwell Bassett, George M. Bedinger, Thomas Blount, James M. Broom, John Boyle, Joseph Bryan, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, George Clinton, jr., John Clopton, Leonard Covington, Peter Early, James Elliot, Caleb Ellis, William Ely, John W. Eppes, John Fowler, Jas. M. Garnett, Charles Goldsborough, Edwin Gray, Andrew Gregg, Silas Halsey, John Hamilton, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Michael Leib, Henry W. Livingston, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, Timothy Pitkin, jr., John Pugh, Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, John Smith, O'Brien Smith, Samuel Smith, Thomas Spalding, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C Verplanck, Peleg Wadsworth, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

NAYS—Willis Alston, jr., Isaac Anderson, Jos. Barker, Silas Betton, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., Robert Brown, George W. Campbell, John Chandler, Matthew Clay, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Samuel W. Dana, Ezra Darby, John Davenport, jr., William Dickson, Elias Earle, Ebenezer Elmer, William Findley, James Fisk, Isaiah L. Green, William Helms, James Holland, Nehemiah Knight, John Lambert, Joseph Lewis, jr., Matthew Lyon, Patrick Magruder, Jonathan O. Mosely, Roger Nelson, Gideon Olin, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Cotton Smith, Henry Southard, Joseph Stanton, William Stedman, David Thomas. Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, and Nathan Williams.

Ordered, That a bill, or bills, be brought in, pursuant to the first resolution agreed to; and that Mr. BIDWELL, Mr. EARLY, Mr. ROGER NELSON, Mr. GEORGE W. CAMPBELL, and Mr. CLAIBORNE, do prepare and bring in the same.

A motion was then made that a committee be appointed to present to the President of the United States the resolution last agreed to. On which motion debate arising, it was moved to postpone the consideration thereof until Monday next, and resolved in the affirmative.

WEDNESDAY, January 15.

Mr. BIDWELL, from the committee appointed yesterday, presented a bill making provision for defraying the expense which may be incurred in the purchase of the Spanish territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the Mississippi; which was read twice and committed to a Committee of the Whole this day.

A motion was then made, and the question being put, that the injunction of secrecy, so far as respects the proceedings of this House on the said bill, be taken off, it passed in the negative—yeas 49, nays 78, as follows:

YEAS—John Archer, George M. Bedinger, Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, Matthew Clay, Leonard Covington, Samuel W. Dana, John Davenport, jr., Caleb Ellis, William Ely, Jas. M. Garnett, Charles Goldsborough, Seth Hastings, David Holmes, David Hough, James Kelly, Joseph Lewis, jr., Henry W. Livingston, Matthew Lyon, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, Thomas Sandford, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, David R. Williams, Marmaduke Williams, and Alexander Wilson.

NAYS—Willis Alston, jun., Isaac Anderson, David Bard, Joseph Barker, Burwell Bassett, Barnabas Bidwell, Phanuel Bishop, John Blake jr., Thomas Blount, Robert Brown, John Boyle, Jos. Bryan, George W. Campbell, John Chandler, John Claiborne, Christopher Clark, Joseph Clay, George Clinton, jr., John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, Thomas Kenan, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jr., Jos. H. Nicholson, Gideon Olin, John Pugh, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Abram Trigg, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

The House then immediately resolved itself

into a Committee of the Whole House on the said bill; and, after some time spent therein, Mr. Speaker resumed the Chair, and Mr. GREGG reported that the Committee had, according to order, had the said bill under consideration, and gone through the same, and made several amendments thereto, which he delivered in at the Clerk's table.

The House proceeded to consider the said amendments: Whereupon, the first amendment to the first section for filling up the blank therein with the words "two millions of," was, on the question put thereupon, agreed to by the House. The second amendment to the same section, to strike out the words, "the expense which may be incurred in the purchase of the Spanish territories lying on the Atlantic Ocean and Gulf of Mexico, and eastward of the Mississippi," and to insert, in lieu thereof, "between the United States and foreign nations," was, on the question put thereupon, agreed to by the House—yeas 71, nays 57, as follows:

YEAS—Willis Alston, jun., Isaac Anderson, Joseph Barker, Burwell Bassett, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, Joseph Clay, George Clinton, jun., Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, Walter Jones, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jun., Joseph H. Nicholson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, and Thomas Wynns.

NAYS—John Archer, George M. Bedinger, Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Matthew Clay, John Clopton, Leonard Covington, Samuel W. Dana, John Davenport, jun., Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Seth Hastings, David Holmes, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, David R. Williams, Marmaduke Williams, Alexander Wilson, and Joseph Winston.

The last amendment to the same section, to strike out, at the end thereof, the words, "*as soon as may be*," and to insert, in lieu thereof, the words, "*at or before the next session of Congress*," was, on the question put thereupon, disagreed to by the House.

The amendment to the second section, to add, to the end thereof, the words, "*and it shall be lawful for the Bank of the United States to lend the whole, or any part of the same*," was, on the question put thereupon, agreed to by the House.

The last amendment to the said bill to add, to the end thereof, a new section, in the words following:

Section 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them by law, shall be, and hereby is, pledged and appropriated for the payment of the interest, and reimbursement of the principal, of all such moneys as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected:

was, on the question put thereupon, agreed to by the House—yeas 74, nays 53, as follows:

YEAS—Willis Alston, jun., Isaac Anderson, John Archer, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, junior, Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, Joseph Clay, George Clinton, junior, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, Walter Jones, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jun., Joseph H. Nicholson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

NAYS—Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Matthew Clay, Leonard Covington, Samuel W. Dana, John Davenport, junior, James Elliot, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Seth Hastings, David Holmes, David Hough, James Kelly, Joseph Lewis, junior, Henry W. Livingston, Matthew Lyon, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, junior, Josiah

Quincy, John Randolph, John Rea of Pensylvania, Thomas Sammons, John Cotton Smith, John Smith Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, David R. Williams, Marmaduke Williams and Alexander Wilson.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

THURSDAY, January 16.

An engrossed bill making provision for defraying the expenses which may be incurred in the purchase of the Spanish Territories lying on the Atlantic Ocean and Gulf of Mexico, and Eastward of the Mississippi, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 76, nays 54, as follows:

YEAS—Willis Alston, junior, Isaac Anderson, John Archer, Joseph Barker, Burwell Bassett, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, junior, Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, Joseph Clay, George Clinton, junior. John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, Walter Jones, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, junior, Joseph H. Nicholson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Joseph Winston, and Thomas Wynns.

NAYS—Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Leonard Covington, Samuel W. Dana, John Davenport, junior, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, William McCreery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

It was then moved to amend the title of the said bill to read as follows: "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations;" and on the question thereupon, it was resolved in the affirmative—yeas 81, nays 46 as follows:

YEAS—Willis Alston, jr., Isaac Anderson, John Archer, Joseph Barker, Burwell Bassett, Barnabas Bidwell, Phanuel Bishop, John Blake jr., Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, Christopher Clark, Joseph Clay, George Clinton, jun., John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, David Holmes, John G. Jackson, Walter Jones, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Thomas Newton, jr. Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Abram Trigg, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

NAYS — George M. Bedinger, Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, Leonard Covington, Samuel W. Dana, John Davenport, jun., Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Seth Hastings, David Hough, James Kelly, Thomas Kenan, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, and David R. Williams.

A motion was then made that a committee be appointed to carry to the Senate the following message:

By the House of Representatives, January 16, 1806.

Gentlemen of the Senate:

We transmit you a bill which has passed this House, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," and in which we request your concurrence. This bill has been passed by us to enable the President of the United States to commence, with more effect, a negotiation for the purchase of the Spanish Territories lying on the Atlantic Ocean and Gulf of Mexico, and eastward of the river Mississippi. The nature and importance of the measure contemplated have induced us to act upon the subject with closed doors. You will, of consequence, consider the communication as confidential.

To which motion an amendment was moved to strike out, in the proposed message, the words "River Mississippi," and to insert, in lieu thereof, the words "Bay of Perdido;" and on the question thereupon, it passed in the negative—yeas 59, nays 68, as follows:

YEAS—Burwell Bassett, Silas Betton, James M. Broom, William Butler, John Campbell, Levi Casey, Martin Chittenden, John Claiborne, John Clopton, Leonard Covington, Samuel W. Dana, John Davenport, jun., James Elliot, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, Walter Jones, Thomas Kenan, Joseph Lewis, jun., Henry W. Livingston, Matthew Lyon, William McCreery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jun., Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, Thomas Sandford, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, David R. Williams, Marmaduke Williams, Alexander Wilson, and Josiah Winston.

NAYS—Willis Alston, jun., Isaac Anderson, John Archer, Joseph Barker, George M. Bedinger, Barnabas Bidwell, Phanuel Bishop, John Blake, jun., Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, Christopher Clark, Joseph Clay, George Clinton, jun., Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, John G. Jackson, James Kelly, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Robert Marion, Josiah Masters, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Gideon Olin, John Pugh, John Rhea of Tennessee, Jacob Richards, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, and Thomas Wynns.

The question was taken that the House do agree to the motion to send to the Senate the said message, as originally proposed, and resolved in the affirmative.

Ordered, That Mr. BIDWELL and Mr. EARLY be appointed a committee, pursuant thereto. Another motion was then made, and the question being put, to remove the injunction of secrecy, so far as respects the report of the select committee, made to this House on the third instant, on the letter and communications from the President of the United States, referred to them, on the sixth of December last, it passed in the negative—yeas 46, nays 71, as follows:

YEAS—Burwell Bassett, Silas Betton, James M. Broom, William Butler, John Campbell, Martin Chittenden, Samuel W. Dana, John Davenport, junior, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Seth Hastings, David Holmes, David Hough, James Kelly, Joseph Lewis, junior, Henry W. Livingston, Matthew Lyon, Patrick Magruder, Josiah Masters, Jonathan O. Mosely, Jeremiah Nelson, Roger Nelson, Timothy Pitkin, junior, Josiah Quincy, John Randolph, Thomas Sammons, Thomas Sandford, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Daniel C. Verplanck, Peleg Wadsworth, Alexander Wilson, and Joseph Winston.

NAYS—Willis Alston, junior, Isaac Anderson, John Archer, George M. Bedinger, Joseph Barker, Barnabas Bidwell, John Blake, junior, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, Levi Casey, John Chandler, John Claiborne, Christopher Clark, John Clopton, Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, John G. Jackson, Walter Jones, Thomas Kenan, Nehemiah Knight, John Lambert, Michael Leib, Robert Marion, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, Thomas Newton, junior, Gideon Olin, John Pugh, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Richard Stanford, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

FRIDAY, January 17.

On a motion made that the resolution agreed to by the House, on the fourteenth instant, in the words following, to wit:

Resolved, That an exchange of territory between the United States and Spain is deemed by this House to be the most advantageous mode of settlement of existing differences, respecting limits between the United States and the Court of Madrid, and that any arrangement between the two Governments which shall secure to Spain an ample barrier on the side of Mexico, and to the United States the countries watered by the Mississippi, and to the eastward of it, will meet the approbation and support of this House,

be now made public: it passed in the negative—yeas 46, nays 64, as follows:

YEAS—John Archer, George M. Bedinger, Silas Betton, James M. Broom, John Campbell, Martin Chittenden, Christopher Clark, Leonard Covington, Samuel W. Dana, John Davenport, junior, Caleb Ellis, William Ely, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Hough, James Kelly, Joseph Lewis, junior, Henry W. Livingston, Josiah Masters, Wm. McCreery, David Meriwether, Thomas Moore, Jonathan O. Mosely, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thomas Sammons, John Cotton Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, and Peleg Wadsworth.

NAYS—Willis Alston, junior, Isaac Anderson, David Bard, Barnabas Bidwell, Phanuel Bishop, John Blake, jr., Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, William Butler, Geo. W. Campbell, Levi Casey, John Chandler, John Claiborne, George Clinton, jr., John Clopton, Orchard Cook, Jacob Crowninshield, Ezra Darby, William Dickson, Peter Early, James Elliot, Ebenezer Elmer, John W. Eppes, William Findley, James Fisk, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, James Holland, Walter Jones, Thomas Kenan, Nehemiah Knight, John Lambert, Michael Leib, Patrick Magruder, Nicholas R. Moore, Jeremiah Morrow, Roger Nelson, Joseph H. Nicholson, Gideon Olin, John Pugh, John Rhea of Tennessee, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, O'Brien Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, and Joseph Winston.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

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

The enclosed letter from the Minister Plenipotentiary of the United States, at the Court of London, contains interesting information on the subjects of my other Message of this date. It is sent separately and confidentially, because its publication may discourage frank communications between our Ministers, generally, and the Governments with which they reside, and especially between the same Ministers.

JANUARY 17, 1806. TH. JEFFERSON.

The letter referred to in the foregoing Message was read.

THURSDAY, February 6.

A Message was received from the PRESIDENT OF THE UNITED STATES, as follows:

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

Since the date of my Message of January seventeenth, a letter of the twenty-sixth of November has been received from the Minister Plenipotentiary of the United States at London, covering one from the Secretary for Foreign Affairs of that Government, which, being on the subject of that Message, is now transmitted for the information of Congress. Although nothing forbids the substance of these letters from being communicated without reserve, yet so many ill effects proceed from the publication of correspondences between Ministers, remaining still in office, that I cannot but recommend that these letters be not permitted to be formally published.

TH. JEFFERSON.

FEBRUARY 6, 1806.

The said Message, and letters accompanying it, were read, and ordered to lie on the table.

On a motion made to amend the secret Journal of the House, in the manner following, to wit:

TUESDAY, *December* 31, 1805.

The following motion was laid on the table:

Resolved, That —— dollars be appropriated by law, for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall have authority, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum per annum; and shall cause an account of the expenditure thereof to be laid before Congress as soon as may be.

Resolved, That the additional duty of two and a half per centum ad valorem, imposed by an act entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," be continued for —— years.

The question was taken that the Journal be so amended, and resolved in the affirmative, by yeas and nays, every member present voting in the affirmative, to wit:

Isaac Anderson, John Archer, David Bard, Joseph Barker, Burwell Bassett, George M. Bedinger, Silas Betton, Barnabas Bidwell, William Blackledge, John Blake, jr., Robert Brown, John Boyle, Joseph Bryan, William Butler, John Campbell, Levi Casey, John Chandler, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, George Clinton, jr., Orchard Cook, Leonard Covington, Jacob Crowninshield, Samuel W. Dana, Ezra Darby, John Davenport, jr., William Dickson, James Elliot, Caleb Ellis, Ebenezer Elmer, William Ely, John

W. Eppes, William Findley, James Fisk, John Fowler, James M. Garnett, Peterson Goodwyn, Edwin Gray, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, Seth Hastings, William Helms, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Nehemiah Knight, John Lambert, Michael Leib, Joseph Lewis, jr., Henry W. Livingston, Matthew Lyon, Patrick Magruder, Robert Marion, Josiah Masters, William McCreery, David Meriwether, Nicholas R. Moore, Thomas Moore, Jeremiah Morrow, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, Gideon Olin, Timothy Pitkin, jr., John Pugh, Josiah Quincy, John Randolph, Thomas M. Randolph, John Rea of Pennsylvania, John Rhea of Tennessee, Jacob Richards, John Russell, Thomas Sandford, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, J. C. Smith, J. Smith, O'Brien Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, David Thomas, Philip R. Thompson, Thomas W. Thompson, Uri Tracy, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Joseph B. Varnum, Daniel C. Verplanck, Peleg Wadsworth, John Whitehill, Robert Whitehill, Eliphalet Wickes, David R. Williams, Marmaduke Williams, Nathan Williams, Alexander Wilson, Joseph Winston, and Thomas Wynns.

A motion was then made that a committee be appointed to present to the President of the United States the resolution agreed to by this House, on the fourteenth ultimo, in the words following, to wit:

Resolved, That an exchange of territory between the United States and Spain is deemed by this House to be the most advantageous mode of settlement of existing difficulties respecting the limits between the United States and the Court of Madrid; and that any arrangement between the two Governments, which shall secure to Spain an ample barrier on the side of Mexico, and to the United States the countries watered by the Mississippi, and to the eastward of it, will meet the approbation of this House.

On which motion, debate arising, it was moved to postpone the consideration thereof until Thursday next, and decided in the negative—yeas 57, nays 64, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, Joseph Barker, Barnabas Bidwell, Phanuel Bishop, William Blackledge, John Blake, jr., Thomas Blount, Robert Brown, John Boyle, Joseph Bryan, George W. Campbell, John Chandler, George Clinton, jr., Frederick Conrad, Jacob Crowninshield, Richard Cutts, Ezra Darby William Dickson, Peter Early, Ebenezer Elmer, William Findley, John Fowler, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, James Holland, Walter Jones, Nehemiah Knight, John Lambert, Patrick Magruder, Robert Marion, Nicholas R. Moore, Jeremiah Morrow, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tenneseee, Jacob Richards, John Russell, Peter Sailly, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Marmaduke Williams, Nathan Williams, and Thomas Wynns.

NAYS—David Bard, Burwell Bassett, George M. Bedinger, Silas Betton, William Butler, Levi Casey, Martin Chittenden, John Claiborne, Christopher Clark, Joseph Clay, Matthew Clay, Leonard Covington, Samuel W. Dana, John Davenport, jr., James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Peterson Goodwyn, Seth Hastings, David Holmes, David Hough, John G. Jackson, James Kelly, Thomas Kenan, Michael Leib, Joseph Lewis, jr., Henry W. Livingston, Matthew Lyon, Josiah Masters, William McCreery, David Meriwether, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jr., Joseph H. Nicholson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Thos. Sammons, Thomas Sanford, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Philip Van Cortlandt, Killian K. Van Rensselaer, Dan'l C. Verplanck, Peleg Wadsworth, Eliphalet Wickes, David R. Williams, Alexander Wilson, and Joseph Winston.

Another motion was then made to amend the said original motion, by instructing the same committee also to present to the President of the United States another resolution, agreed to by this House, on the said fourteenth ultimo, in the words following, to wit:

"*Resolved*. That —— dollars be appropriated, by law, towards defraying the expense which may be incurred in the purchase of the Spanish territories lying on the Atlantic ocean and Gulf of Mexico, and eastward of the Mississippi, to be paid out of any money in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall have authority, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum per annum, redeemable at will; and shall cause an account thereof to be laid before Congress as soon as may be:"

On which motion to amend, the question being taken, it was resolved in the affirmative.

And then the main question being taken, that the House do agree to the said original motion, as now amended, it was resolved in the affirmative.

Ordered, That Mr. JOHN RANDOLPH and Mr. GREGG be appointed a committee pursuant thereto.

TUESDAY, February 11.

Mr. JOHN RANDOLPH, from the committee appointed on Thursday last, to present to the President of the United States two resolutions of this House, of the fourteenth ultimo, reported that the committee had performed that service.

Mr. THOMAS M. RANDOLPH, from the Committee for Enrolled Bills, reported that the committee had examined an enrolled bill, to wit: "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," and had found the same to be truly enrolled: Whereupon, the SPEAKER signed the said enrolled bill.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

WEDNESDAY, February 12.

Mr. THOMAS M. RANDOLPH, from the Joint Committee for Enrolled Bills, reported that the committee did, yesterday, present to the President of the United States for his approbation, an enrolled bill, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations."

TUESDAY, February 18.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

On the thirteenth instant, I approved and signed the act, entitled "An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations," which originated in the House of Representatives, and I shall, in due season, deposit it among the rolls in the office of the Secretary of State.

TH. JEFFERSON.

FEBRUARY 18, 1806.

The said Message was read, and ordered to lie on the table.

FRIDAY, March 21.

On a motion made and seconded,

Resolved, That the injunction of secrecy imposed on the proceedings which have been transacted with closed doors, during the present session, be removed.

On the question that the farther consideration of the said resolution be postponed until the last Monday in the present month, it was resolved in the affirmative—yeas 69, nays 57, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, David Bard, Joseph Barker, Barnabas Bidwell, William Blackledge, John Blake, jr., Thomas Blount, Robert Brown, John Boyle, George W. Campbell, John Chandler, John Claiborne, Matthew Clay, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, John Dawson, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, William Findley, James Fisk, John Fowler, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, John G. Jackson, Walter Jones, Thomas Kenan, Nehemiah Knight, Matthew Lyon, Duncan MacFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Thomas Newton, jr., Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, Jacob Richards, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, Matthew Walton, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Burwell Bassett, George M. Bedinger, Silas Betton, James M. Broom, William Butler, John Campbell, Martin Chittenden, Christopher Clark, Joseph Clay, Leonard Covington, Samuel W. Dana, John Davenport, jr., James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, James Kelly, Michael Leib, Joseph Lewis, jr., Patrick Magruder, Josiah Masters, Thos. Moore, Jonathan O. Mosely, Jeremiah Nelson, Joseph H. Nicholson, Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Peter Sailly, Thomas Sammons, Thos. Sandford, John Cotton Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Philip Van Cortlandt, Killian K. Van Rensselaer, Daniel C. Verplanck, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

MONDAY, March 24.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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

I communicate to Congress a letter recently received from the Minister Plenipotentiary of the United States at London, stating some circumstances which bear relation to the subject of my Messages of January seventeenth. This paper being original, and to be communicated to both Houses, the return of it is requested.

TH. JEFFERSON.

MARCH 24, 1806.

The said Message and document accompanying it, were severally twice read.

Ordered, That the letter referred to in the said Message be returned to the President of the United States, agreeably to his request.

MONDAY, March 31.

On motion of Mr. LEIB, that the House do come to the following resolution:

Resolved, That the injunction of secrecy imposed on the proceedings which have been transacted with closed doors during the present session, be removed:

It was moved to amend the said resolution, by adding to the end thereof, the words, "from and after this day fortnight:" And, on the question thereupon, it passed in the negative—yeas 61, nays 62, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, Da-

vid Bard, Joseph Barker, Barnabas Bidwell, William Blackledge, John Blake, jr., Thos. Blount, Robert Brown, Geo. W. Campbell, John Chandler, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, William Findley, James Fisk, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, Walter Jones, John Lambert, Matthew Lyon, Duncan MacFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, John Smith, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Burwell Bassett, George M. Bedinger, Silas Betton, William Butler, John Campbell, Levi Casey, Martin Chittenden, Christopher Clark, Joseph Clay, Matthew Clay, Leonard Covington, Samuel W. Dana, John Davenport, jr., John Dawson, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings, David Holmes, David Hough, John G. Jackson, James Kelly, Thomas Kenan, Michael Leib, Joseph Lewis, jun., Patrick Magruder, Josiah Masters, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, John Cotton Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

Another motion was then made to amend the said resolution, by inserting, after the word "that," in the first line, the words, "from and after the end of the present session of Congress:" And on the question thereupon, it passed in the negative—yeas 59, nays 61, as follows:

YEAS—Willis Alston, jr., Isaac Anderson, Joseph Barker, Barnabas Bidwell, William Blackledge, John Blake, jr., Thomas Blount, Robert Brown, George W. Campbell, John Chandler, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, William Findley, James Fisk, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, John Lambert, Matthew Lyon, Duncan McFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Uri Tracy, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Burwell Bassett, George M. Bedinger, Silas Betton, William Butler, John Campbell, Martin Chittenden, Christopher Clark, Joseph Clay, Leonard Covington, Samuel W. Dana, John Davenport, jun., John Dawson, James Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Charles Goldsborough, Edwin Gray, Seth Hastings David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Michael Leib, Joseph Lewis, jun., Patrick Magruder, Josiah Masters, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jr., Timothy Pitkin, jr., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

A motion was then made, and the question being put, that the farther consideration of the said resolution be postponed until this day week, it passed in the negative—yeas 58, nays 62, as follows:

YEAS—Willis Alston, jun., Isaac Anderson, Joseph Barker, Barnabas Bidwell, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, George W. Campbell, John Chandler, John Claiborne, Matthew Clay, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, William Findley, James Fisk, Peterson Goodwyn, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, John Lambert, Matthew Lyon, Duncan MacFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Richard Winn, and Joseph Winston.

NAYS—Evan Alexander, Burwell Bassett, Geo. M. Bedinger, Silas Betton, William Butler, John Campbell, Martin Chittenden, Christopher Clark, Joseph Clay, Leonard Covington, Samuel W. Dana, John Davenport, jun., John Dawson, Jas. Elliot, Caleb Ellis, William Ely, John W. Eppes, James M. Garnett, Charles Goldsborough, Edwin

Gray, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Michael Leib, Joseph Lewis, jun., Patrick Magruder, Josiah Masters, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, John Cotton Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

And then the main question being taken, that the House do agree to the said resolution, as originally moved, in the words following, to wit:

"*Resolved*, That the injunction of secrecy imposed on the proceedings which have been transacted with closed doors, during the present session, be removed."

It was resolved in the affirmative—yeas 63, nays 56, as follows:

YEAS—Evan Alexander, Burwell Bassett, Geo. M. Bedinger, Silas Betton, William Butler, John Campbell, Martin Chittenden, Christopher Clark, Joseph Clay, Leonard Covington, Samuel W. Dana, John Davenport, jun., John Dawson, Jas. Elliot, Caleb Ellis, Wm. Ely, John W. Eppes, James M. Garnett, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Seth Hastings, David Holmes, David Hough, John G. Jackson, Walter Jones, James Kelly, Thomas Kenan, Michael Leib, Joseph Lewis, jun., Patrick Magruder, Josiah Masters, Thomas Moore, John Morrow, Jonathan O. Mosely, Jeremiah Nelson, Thomas Newton, jun., Timothy Pitkin, jun., Josiah Quincy, John Randolph, John Rea of Pennsylvania, Jacob Richards, Peter Sailly, Thomas Sammons, Thomas Sandford, John C. Smith, John Smith, Samuel Smith, Thomas Spalding, Richard Stanford, William Stedman, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Samuel Tenney, Philip R. Thompson, Thomas W. Thompson, Abram Trigg, Killian K. Van Rensselaer, Peleg Wadsworth, David R. Williams, Marmaduke Williams, and Alexander Wilson.

NAYS—Willis Alston, jun., Isaac Anderson, Joseph Barker, Barnabas Bidwell, William Blackledge, John Blake, jun., Thomas Blount, Robert Brown, George W. Campbell, John Chandler, John Claiborne, John Clopton, Frederick Conrad, Orchard Cook, Jacob Crowninshield, Richard Cutts, Ezra Darby, William Dickson, Elias Earle, Peter Early, Ebenezer Elmer, William Findley, James Fisk, Andrew Gregg, Isaiah L. Green, Silas Halsey, John Hamilton, William Helms, John Lambert, Matthew Lyon, Duncan MacFarland, Robert Marion, William McCreery, Nicholas R. Moore, Jeremiah Morrow, Gurdon S. Mumford, Roger Nelson, Gideon Olin, John Pugh, Thomas M. Randolph, John Rhea of Tennessee, John Russell, Martin G. Schuneman, Ebenezer Seaver, James Sloan, John Smilie, Henry Southard, Joseph Stanton, David Thomas, Joseph B. Varnum, John Whitehill, Robert Whitehill, Eliphalet Wickes, Nathan Williams, Richard Winn, and Joseph Winston.

And then the House adjourned.

APPENDIX

TO THE HISTORY OF THE NINTH CONGRESS.

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

STATE OF THE FINANCES.

[Communicated to the Senate, December 9, 1805.]

In obedience to the directions of the act supplementary to the act, entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

Revenue and Receipts.

The net revenue, arising from duties on merchandise and tonnage, which accrued during the year 1801, amounted to - - - - - - $12,020,279

The net revenue, arising from the same source, which accrued during the year 1805, amounted to - - - - - 10,154,564

That which accrued during the year 1803, amounted to - - - - - 11,306,430

And that which accrued during the year 1804, amounted, after deducting that portion which arose from the additional duties, constituting the Mediterranean fund, as will appear by the statement A, to - - - - - - - - 12,672,323

It is ascertained that the net revenue which has accrued during the three first quarters of the year 1805, does not fall short of that of the corresponding quarters of the year 1804. And that branch of revenue may, exclusively of the Mediterranean fund, be safely estimated, for the present, at twelve millions of dollars, which is nearly the average of the two years 1803 and 1804.

The defalcation which took place in the year 1802, and the increase in the next following years, sufficiently show that no inconsiderable portion of that branch of the revenue is due to the neutrality of the United States, during the continuance of war in Europe. Yet, if the revenue of 1802, the only year of European peace since 1792, be considered as the best basis on which to form an estimate, this, with an addition of ten per cent. on account of the increase of population for three years, and of near 300,000 dollars, the computed revenue of New Orleans, will give a result of near eleven millions and a half. The statement B exhibits in detail the several species of merchandise and other sources from which that revenue was collected during the year 1804.

The revenue arising from the sales of public lands has been greater during the year ending on the 30th September, 1805, than that of any preceding year. It appears by the statement C that, during that period, besides 145,000 acres sold to porsons claiming a right of pre-emption, $474,000 acres have been disposed of, at the ordinary sales; making, altogether, with the preceding sales, from the time when the land offices were opened in 1800 and 1801, an aggregate of near two millions of acres. The actual payments by purchasers, which, during the year ending on the 30th September, 1804, had amounted to 432,000 dollars, and had not, in any one previous year, exceeded 250,000 dollars, have, during the year ending on the 30th September, 1805, amounted to 575,000 dollars; of which sum 535,000 dollars were paid in specie, and the residue in stock of the public debt. The specie receipts from that source may, for the ensuing year, be safely estimated at five hundred thousand dollars.

The receipts arising from the permanent revenue of the United States may, therefore, without even including the duties on postage and other small incidental branches, be computed, for the year 1806, at twelve millions and five hundred thousand dollars - - - - - - $12,500,000

The payments in the Treasury, during the same year, on account of the temporary loans constituting the "Mediterranean fund" which will have accrued to the 31st day of March next, are estimated at nine hundred thousand dollars, and about one hundred thousand may be expected from the arrears of internal duties and of the direct tax, and from other incidental branches; making for temporary and incidental receipts, one million dollars - - 1,000,000

The balance of specie in the Treasury, which, on the 30th day of September last, amounted to 4,575,654 dollars, will, as the receipts and current expenditures of the present quarter may be considered as nearly equal, be diminished at the end of this year, only by the payments on account of the American claims assumed by the convention with France; and as the whole amount of those claims which remained unpaid on the 30th day of September last, will, in this estimate, be stated amongst the expenditures of 1806, the whole of the above-mentioned balance may be added to the receipts of that year, viz: - - - 4,575,000

Making, in the whole, an aggregate of more than eighteen millions of dollars $18,075,000

Expenditures.

The expenses of the year 1806, which must be defrayed out of those resources, are, like the revenue, either of a permanent nature or temporary.

The permanent expenses are estimated at 11,450,000 dollars, and consist of the following items, viz:

1. The annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt, of which more than 4,000,000 dollars will be applicable to the discharge of the principal, and the residue to the payment of interest - - - - - - - $8,000,000
2. For the civil department and all domestic expenses of a civil nature, including invalid pensions, the light-house and mint establishments, the expenses of surveying public lands, the third instalment of the loan due to Maryland, and a sum of 150,000 dollars, to meet such miscellaneous claims or grants as may be allowed by Congress - - - - - - - 1,150,000
3. For expenses incident to the intercourse with foreign nations, including the permanent appropriations for Algiers - - - - - - - 200,000
4. For the Military and Indian departments, including the permanent appropriations for certain Indian tribes - 1,030,000
5. For the Naval establishment, (exclusively of deficiencies for the service of the years 1804 and 1805, which are estimated at $600,000) - - - 1,070,000

$11,450,000

The extraordinary demands for the year 1806 amount to four millions of dollars, viz:

The Navy deficiencies for 1804 and 1805, as above-mentioned - -	$600,000	
And the balance of the American claims assumed by the French convention, which remained unpaid on the thirtieth of September last, amounting to - - -	3,400,000	
		4,000,000
Making altogether - - -		$15,450,000

It appears from the preceding statement, that the permanent revenues of the United States will, during the ensuing year, exceed the permanent expenditures more than one million of dollars; and that the moneys already on hand, together with the temporary resources of the year, will, after leaving the sum which it is always necessary to keep in the Treasury, be sufficient to discharge the Navy deficiencies, and the whole amount of the claims assumed by the convention with France, the large receipts of last year rendering it unnecesary to recur for that object to the loan authorized by the act of the 10th of November, 1803.

Mediterranean Fund.

It appears by the statement B that the additional duty of two-and-a-half per cent. on goods paying duties ad valorem, which constitutes the "Mediterranean fund," amounted during the last six months of 1804, to 563,038 dollars. And it is ascertained that the amount of duty accrued during the year ending on the 30th day of June, 1805, was 990,000 dollars. This apparent product will, it is true, be diminished by subsequent exportations; but it is believed, from a view of the value of the goods imported in 1803 and 1804, which are charged with that duty, that the fund may be estimated as producing nearly 900,000 dollars a year. If that estimate be correct, the fund will ultimately produce, during the one year and nine months commencing on the 1st day of July, 1804, and ending on the 31st day of March, 1806 - - - - - - $1,575,000

The expenses heretofore charged on that fund, have been, viz:

Paid in 1804, to the Navy Department, under the act constituting the fund - - - - -	$525,000	
Paid in 1805, to the said Department, by virtue of the second section of the act of 25th January, 1805 - -	590,000	
Making, altogether, -		1,115,000
And leaving an unappropriated surplus, estimated at - - - - - - -		460,000

But which will be more than absorbed by the Navy deficiencies above-mentioned.

The moneys actually received or to be received into the Treasury, on account of that fund, prior to the 1st day of January, 1806, are estimated at about 600,000 dollars. The residue will be received between that day and the 31st of March, 1807, and credit has been taken for a sum of 900,000 dollars on that account, in the preceding estimate of the receipts of the year 1806.

Public Debt.

The payments on account of the principal of the public debt have, during the year ending on the 30th September, 1805, exceeded four millions three hundred and seventy-seven thousand dollars, as appears by estimate D - - - - -		$4,377,898 63
The two last instalments due to Great Britain, and amounting to one million seven hundred and seventy-six thousand dollars, have also been discharged during the same period,		1,776,000 00
Making, in the whole, a reimbursement of more than six millions one hundred and fifty thousand dollars		6,153,898 63

As the exportation of the specie necessary to discharge the last-mentioned instalment, would have been sensibly felt, it was found eligible to pay it in London, in conformity with the authority given by the act of the 3d of March, 1805; and the operation was effected at par, by the Bank of the United States.

It appears by the same statement D, that the payments on account of the public debt, from the 1st April, 1801, to the 30th September, 1805, have amounted to almost $18,000,000 -	17,954,790 49
During the same period there have been paid to Great Britain, in satisfaction and discharge of the money which the United States might have been liable to pay, in pursuance of the provisions of the 6th article of the Treaty of 1794 - - -	2,664,000 00

The balance in the Treasury amounted, on the 1st day of April, 1801, to	$1,794,052 59	
And on the 30th day of September, 1805, to	4,575,654 37	
Making an increase of	2,781,601 78	
From which, deducting the proceeds of the sales of the Bank shares	1,287,600 00	
Leaves for the increase arising from the ordinary revenue		1,494,001 78
Making, in the whole, a difference of more than twenty-two millions of dollars in favor of the United States, during that period of four years and a half		$22,112,792 27

In order to give a more general and concise view of the receipts and expenditures of the United States, during the four years, commencing on the 1st day of April, 1801, and ending on the 31st day of March, 1805, than can be derived from the annual printed accounts, a statement, marked H, and several explanatory statements, marked H 1, to H 8, have been added to those which usually accompany this report.

From those it appears, that a sum of fifty millions six hundred and sixty-seven thousand four hundred and sixty-seven dollars and four cents, has been paid into the Treasury during that period, viz:

From duties on tonnage, and on the importation of foreign merchandise	$45,174,837 22	
From all other sources, (including $1,596,171 43 cents, arising from the sales of Bank shares and of public vessels)	5,492,629 82	
		50,667,467 04

And that the expenditures, during the same period, have amounted to forty nine millions six hundred and sixty five thousand five hundred and twenty-seven dollars and fifty-six cents, which have been disbursed for the following purposes:

I. Less than one-third of the whole has been sufficient to defray all the current expenses of the United States, viz:

For the civil list, and all domestic expenses of a civil nature	3,786,114 79	
For the military establishment and Indian department	4,405,192 26	
For the naval establishment	4,842,635 15	
For the expenses attending intercourse with foreign nations	1,071,437 84	
Amounting, altogether, to		14,105,380 04
2. Near one-third was necessary to pay the interest on the public debt, viz:		16,278,700 95

On which subject it may not be improper to observe, that a part of that sum, amounting to $2,160,000, was paid on account of the interest on the deferred stock, a charge which commenced only in the year 1801, and was, therefore, in addition to the annual sum wanted before that year, for the payment of interest on the public debt.

3. More than one-third, and which may be considered as the surplus revenue of the United States, during that period, has been applird toward the reimbursement and extinguishment of the debt, viz:

On account of the principal of the public debt proper	$16,317,663 92	
In payment of debts contracted before the 1st day of April, 1801, and arising under the British Treaty and under the French Convention of the 30th September, 1800	2,963,782 65	
		19,281,446 57
		$49,665,527 56

It is sufficiently evident, that, while one-third of the national revenue is necessarily absorbed by the payment of interest, a persevering application of the resources afforded by seasons of peace and prosperity, to the discharge of the principal, in the manner directed by the Legislature, is the only effectual mode by which the United States can ultimately obtain the full command of their revenue, and the free disposal of all their resources. Every year produces a diminution of interest, and a positive increase of revenue. Four years more will be sufficient to discharge, (in addition to the annual reimbursements on the 6 per cent. and deferred stocks,) the remainder of the Dutch debt, and the whole of the eight per cent., Navy six per cent., five and a half per cent., and four and a half per cent. stocks. As the portion of the public debt which shall then remain unpaid, will consist of the six per cent. deferred, and Louisiana stocks, neither of which can be reimbursed, except at the periods, and in the proportions fixed by contract, and of the three per cent. stock, which its low rate of interest will render it ineligible to discharge at its nominal value, the rapidity of the reduction of the debt, beyond the annual reimbursements permitted by the contracts, will, after the year 1809, depend on the price at which purchases may be effected. And, should circumstances render it eligible, a considerable portion of the revenue now appropriated for that purpose, may then, in conformity with existing provisions, be applied to other objects.

All which is respectfully submitted.

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT, *Dec.* 9, 1805.

EVIDENCES OF PUBLIC DEBT.

[Communicated to the House, Dec. 28, 1805.]

TREASURY DEPARTMENT, *Dec.* 28, 1805.

SIR: I have the honor to enclose the copy of the extract of a letter pointing out certain abuses, which are said to arise from the operation of the

law authorizing the receipt of evidences of the public debt, in payment for the lands of the United States, passed on the 3d day of March, seventeen hundred and ninety-seven.

Although the letter having been received only a few days ago, it has not yet been ascertained whether the facts alluded to are, in this instance, truly stated, there is no doubt that such abuses may take place, and that, whilst the law continues in force, it will be difficult to prevent them.

Indeed, it cannot be doubted that, with very few exceptions, the law is of no utility to actual purchasers. So far as relates to the reduction of the public debt, the act is useless, since the annual appropriation of eight millions of dollars has been made; and it may, on the contrary, by creating a competition in the market, impede the object whenever it should be thought proper to apply a part of the appropriation to purchases of the debt. To this may be added, that the uncertainty resulting from the provision of the payments in specie, which might otherwise be relied upon, deranges the general operations of the Treasury.

I also beg leave to observe, that, by the act of the 8th of May, 1792, and all the subsequent acts contain a similar provision, the Commissioners of the Sinking Fund are authorized to purchase the debt of the United States at its market price, if not exceeding the par or true value thereof.

This last limitation does not seem sufficiently explicit; but the construction heretofore adopted, and which will be, of course, adhered to, unless altered by an explanatory act, is, that, by true value, is meant the nominal value or amount of the stock. It follows, that, on the one hand, the Commissioners may give one hundred dollars for every nominal hundred dollars of the three per cent. stock, provided they shall not give more than the market price; whilst, on the other hand, they are, in fact, precluded from making any purchases of the eight per cent. stock, as its market must necessarily exceed its nominal value.

Permit me, therefore, respectfully to submit the propriety of fixing, absolutely, by law, the price which the Commissioners may give for stock. That for the six and deferred stock may remain as it now stands, that is to say, not to exceed the nominal value of its unredeemed amount; the limitation in relation to the three per cent. stock may be easily fixed, at any rate which Congress may think proper.

That for the eight per cent. stock is more difficult to fix, because its sinks, every quarter, in value, and will continue so till the first day of January, 1809, when it becomes redeemable, and therefore, equal to its nominal value. It may, in the mean while, be considered as consisting, first, of a six per cent. stock, payable at the time abovementioned, and worth par; secondly, of an annuity of two per cent. a year, (or rather at the rate of half per cent. quarterly) which will cease, also, on the first of January, one thousand eight hundred, and when the stock will be paid off.

The annexed table shows the true value of the stock, calculated on that principle, and on a supposition that a six per cent. stock is at par, for the first day of every quarter from the 1st of January, 1806, to the 1st of January, 1809. It must, however, be observed, that, from the first day, till within fourteen days of the end of each quarter, the stock will progress a little in value, as the time of receiving the dividend approaches. But on that account, and because the variations in the prices of stock do not ascend to such minute fractions as are exhibited in the table, it may be more simple to fix the limitation by the gross amount of the two per cent. annuity which may, at the time, be still demandable, without making any deduction for the discount. The commissioners would, on that principle, be authorized to give no more that 106 per cent. during the first quarter of the year 1806, no more than 105½ per cent during the ensuing quarter, and so on, diminishing half per cent each quarter, so as to give no more than 100½ per cent. during the last quarter of the year 1808, and paying at par, according to contract, the residue of the unpurchased principal, on the 1st of January, 1809. There are two other limitations, in the powers of the commissioners to purchase stock, which may require some modifications. By the first, no purchase can be made, except during the first thirty days of each quarter —a provision, the object of which I cannot perceive; as the situation of the Treasury and the price of stock may often render another more eligible. The other directs the purchases to be made by a known agent, and by open purchase, or by receiving sealed proposals; and, although it may be more eligible for the commissioners themselves to make the purchase in that way, because it will prevent any improper imputation attaching to their conduct, it is not less true that that mode must necessarily raise the price of stocks, and prevent any purchases on favorable terms.

Although there are yet considerable parts of the public debt which may be reimbursed, as purchases may, however, be found, under certain circumstances, more advantageous to the United States, I have thought it my duty to lay these observations before the Committee of Ways and Means. But I beg, at the same, time to be indulged in expressing my opinion, that a sinking fund which acts by purchase is better calculated to raise the prices of stock, and as an engine to favor loans and an increase of debt, than for the purpose of redeeming it on reasonable terms. And as the nature of the existing species of stocks will offer a powerful, perhaps insuperable obstacle, to the whole redemption, within the time contemplated by the Legislature, I intend, in a subsequent communication, to submit to the consideration of the committee, a plan for the conversion of the old six deferred and three per cent. stocks into a six per cent. stock, which may be redeemed within the expected period.

I have the honor to be, &c.

ALBERT GALLATIN.

To the Hon. JOHN RANDOLPH,
Chairman of the Committee of Ways and Means.

An estimate exhibiting the true value of one hundred dollars eight per cent. stock, redeemable after the year 1808, on the supposition of six per cent stock being at par, for the first day of each quarter, from the 1st January, 1806, to the 1st January, 1809.

In the year of 1806, January 1 - - -	$105 46
In the year of 1807, January 1 - - -	103 74
In the year of 1808, January 1 - - -	101 93
In the year of 1809, January 1 - - -	100 00
In the year of 1806, April 1 - - -	105 04
In the year of 1807, April 1 - - -	103 30
In the year of 1808, April 1 - - -	101 46
In the year of 1809, April 1.	
In the year of 1806, July 1 - - - -	104 61
In the year of 1807, July 1 - - - -	102 85
In the year of 1808, July 1 - - - -	100 98
In the year of 1809, July 1.	
In the year of 1806, October 1 - - -	104 18
In the year of 1807, October 1 - - -	102 39
In the year of 1808, October 1 - - -	100 49
In the year of 1809, October 1.	

Extract of a letter, &c.

"The clerks in that office are engaged in what they call the stock business. They get stock transferred, in payment for the lands, of such people as will pay them their money without taking an office receipt. Now, the grievance that I would complain of is, that it is almost impossible to get business done in that office, unless the person applying will consent to let them have their money that they may pay, in stock. As for my part, I had rather do my own business. When a man goes into the office, one of the clerks addresses him, that he cannot have his business done, unless he waits two or three days; and recommends to him to leave his money with another one, which I suppose to be a clerk also, who offers to do the business for him, provided he will let him transfer stock for his payment; and thus they worry many people out of their money. As to this stock business, I know nothing about it; and as it is no advantage to me, I had rather pay my money and get my receipt, without further trouble."

SINKING FUND.

[Communicated to the Senate, Feb. 5, 1806.]

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the Board, subsequent to their report of 5th of February, 1805, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the fourth day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

G. CLINTON, *President of the Senate.*
J. MARSHALL, *Chief Justice.*
JAMES MADISON, *Secretary of State.*
A. GALLATIN, *Secretary of Treasury.*
J. BRECKENRIDGE, *Attorney Gen'ral.*

WASHINGTON, *Feb.* 5, 1806.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance remaining unexpended at the close of the year 1803, and applicable to payments falling due after that year, which balance, as appears by the statement B, annexed to the last annual report, amounted to one million three hundred and forty-nine thousand one hundred and thirty-six dollars and fifty one cents - - - -	$1,349,136 51
Together with the disbursements made during the year 1804 out of the Treasury, on account of the principal and interest of the public debt, which disbursements, as appears by the statement C, annexed to the last annual report, amounted to eight millions two hundred and fifty-nine thousand eight hundred and forty-five dollars and fifty-five cents - - - - -	8,259,846 55
And with a further sum arising from profit on the remittances from America to Europe, purchased in the year 1804, which profits, as appears by the statement D, annexed to the last annual report, amounted to forty-five thousand forty-nine dollars and twenty-five cents - - - - - -	45,049 25
And amounting, altogether, to nine millions six hundred and fifty-four thousand and thirty-one dollars and thirty-one cents - - - - - -	9,654,031 31

Have been accounted for in the following manner, viz:

1. There was repaid into the Treasury, during the year 1804, on account of the principal of protested bills, and of advances made to Commissioners of Loans, as appears by the statement E, annexed to the last annual report, a sum of one hundred and twenty-one thousand, four hundred and forty-six dollars and fifty-one cents - -		$121,446 51
2. The sums actually applied, during the same year, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amount, as will appear by the statement A, to seven millions two hundred and fifteen thousand six hundred and nine dollars and sixty-six cents:		
1st. Paid in reimbursement of the principal of the debt -	3,207,587 65	
2d. Paid on account of the interest and charges on the same - -	4,008,022 01	
		7,215,609 66
3. The balance remaining unexpended at the close of the year 1804, and applicable to payments falling due after that year, ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the statement B, to two millions three hundred and sixteen thousand nine hundred and seventy-five dollars and fourteen cents - - - - -		2,316,975 14
		9,654,031 31

That, during the year 1805, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt:

1. On account of the reimbursement and interest of the domestic debt - - - - $4,583,960 54
2. On account of domestic loans, obtained from the Bank of the United States, viz: on account of the principal - - - - 700,000 00
   On account of the interest 56,170 12
   756,170 12
3. On account of the domestic unfunded debt - - - - - - - 8,061 71
4. On account of the principal and interest of the foreign debt, and of the interest on the Louisiana stock - 1,980,316 70

Amounting, altogether, as will appear by the annexed list of warrants, C, to seven millions three hundred and twenty-eight thousand five hundred and nine dollars and seven cents - 7,328,509 07

Which disbursements were made out of the following funds, viz:

1. From the fund constituting the annual appropriation of eight millions of dollars, for the year 1805, viz: from the fund arising from interest on the debt transferred to the Commissioners of the Sinking Fund, as per account I - 711,737 41
   From the funds arising from the sales of public lands, being the amount of moneys paid into the Treasury from 1st July, 1804, to the 30th June, 1805, as per account K 553,521 63
   From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of ships or vessels 5,904,839 37
   7,170,098 41

   Which sum of $7,170,098 41, together with the sum advanced during the year 1804, on account of the appropriation for the year 1805, amounting, as appears by the last annual report, to $829,901 59, makes, in the whole, the annual appropriation, for the year 1805, of - $8,000,000
2. From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of ships or vessels, advanced in part, and on account of the annual appropriation for the year 1806 67,716 02
3. From repayments in the Treasury, on account of remittances purchased for providing for the foreign debt, and of advances made to Commissioners of Loans, as will appear by the statement E, viz: Repayment of the purchase money and advances - - 66,703 02
   Damages and interest recovered - - - - 20,731 20
   87,434 22
4. From the moneys appropriated by law, for paying commissions to agents employed in the purchase of remittances, for the foreign debt, being the amount paid at the Treasury, during the year 1805, for that object, as will appear by the statement C - - - - - 3,260 42
   That the above-mentioned disbursements, together with the above-stated balance of dollars - - - - 2,316,975 14
   Which remained unexpended at the close of the year 1804, and with a further sum arising from profit on remittances from America to Europe, purchased in the year 1805, and amounting, as will appear by the statement D, to - - - - - - 117,137 52

   And amounting, altogether, to nine millions seven hundred and sixty-two thousand six hundred and twenty-one dollars and seventy-three cents - 9,762,621 73

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the Treasury Department. That, in the mean while, the manner in which the said sum has been applied is estimated as follows:

1. The repayments into the Treasury, on account of principal, have, during the year 1805, amounted, as by the above-mentioned statement E, to $66,703 02
2. The sums actually applied, during the year 1805, to the payment of the principal and interest of the public debt, are estimated as follows, viz: 1st. Paid in reimbursement of the principal of the public debt - - - 3,905,291 61
   2d. Paid on account of interest and charges on the same - - - 4,142,853 18
   8,048,144 79

   As will appear by the estimate F.
3. The balance remaining unexpended at the close of the year 1805, and applicable to payments falling due after that year, is estimated, as per estimate G, at 9,762,621 73

That no purchases of the public debt have been made since the date of the last report to Congress.

And that the statement H. exhibits the amount of stock transferred to the Commissioners of the Sinking Fund, in trust for the United States, to the 31st December, 1805, including the sum of $98,909 41, being the aggregate of the several species of stock transferred in the year 1805, in payment for public lands.

All which is respectfully submitted.

ALBERT GALLATIN,
Secretary of the Treasury.

TREASURY DEPARTMENT, *Feb.* 4, 1806.

SPAIN.

[Communicated December 10, 1805.]

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

The enclosed documents relating to my Message of the 6th instant, not being ready at that date, I thought it better not to detain the Message, but to communicate these papers afterwards, as

supplementary to those then sent. They are not of a nature to be deemed confidential.

TH. JEFFERSON.

DECEMBER 10, 1805.

Extract of a letter from Charles Pinckney, Esq., Minister at Madrid, to the Secretary of State dated

AUGUST, 1805.

I have written to you lately very often, informing you of the Spaniards being now in the habit of capturing our vessels as much as during the last war. The following is the list transmitted to me of American vessels taken by the Spaniards, and sent into Algeziras for adjudication, since my last to you:

Brigantine Ann Isabel, of Virginia, Williams, master; brigantine Vereries, Pisa; brigantine Dido, Shail, master, from Marblehead; ship Mary, Robert Stevenson; ship Eagle, Nehemech Shaler, last from Liverpool; brigantine Jefferson, Simon Buhmond; brigantine Polly and Nancy, of Baltimore, John Croan; schooner Molengue, John Waterman, of New York; schooner Leffen, William Maret, of Virginia; brigantine Diana, Sylvester Simmons, of New Haven.

Extract of a letter from Charles Pinckney, Esq., Minister at Madrid, to the Secretary of State, dated

SEPTEMBER 22, 1805.

My last informed you I was still under the necessity of remaining here until the 22d October, on account of all the mules being embargoed for the King's service until that day, so that I could not before go to the Sitio to take leave; that I had still been without the pleasure of seeing Mr. Erving, or Mr. Bowdoin; and, that not being able to wait for them any longer, I should, when I went away, leave Mr. Young charged with our affairs, until they, or one of them came; that, during this time, and constantly, I have been busily employed with this Court in endeavoring to arrest the numerous depredations of their privateers on our commerce, and their condemnations of our vessels, and that to do this my exertions have not only been unceasing, but more than twenty letters have passed between Mr. Cevallos and myself on the subject. I have now the pleasure to send you the result by enclosing the copy of a letter which I have just received from Cadiz, and which I have received in such an unquestionable shape as to leave no doubt of its authenticity. By this it appears my exertions have been effectual, and will probably prevent captures on that ground.

From the Secretary of State and the Marine to the Director General of the Fleet.

ST. ILDEFONSO, *Sept.* 3, 1805.

SIR: The Minister of the United States, complaining of new injuries and captures of American vessels by Spanish cruisers, has given information of the carrying to Algeziras of eleven vessels of his nation, under pretext, as he says of their carrying English merchandise. The King, being made acquainted with it, has been pleased to determine, that, if there be no other cause for the capture of these vessels than that alleged by the Minister, they should be put at liberty again; since, according to the fifteenth article of the Treaty with the United States, "the American flag secures the freedom of the merchandises, although they may be enemy's property." But if the cause of the detention be any other, His Majesty requires that they be decided in due course, and with as little delay as possible. I communicate it to you by the Royal order, in order that you may communicate it to the Generals of the Departments of Marine, in order that they may make it known to the commandants of marine in every district, and to the owners of privateers, informing them that they will be responsible for the injuries they may occasion.

Extract of a letter from Josiah Blakely, Esq., Consul of the United States at St. Jago, in Cuba, to the Secretary of State, dated

JUNE 7, 1805.

The brig Trio, of New York, from Liverpool for New Orleans, cargo dry goods, has been wholly unloaded, and is now offered for sale. After taking all the dry goods out of the ship Governor Strong, of Alexandria, Clark, master, her captors have returned her to the captain.

Since the last evacuation of Hispaniola, more than one thousand American seamen have been landed in this port, most of them without clothes, and all without any possible means of support but such as they receive from their own Government.

Extract from the same to the same, dated

JULY 1, 1805.

The scene of robbery, destruction, evasion, perjury, cruelty, and insult, to which the Americans captured by the French pirates, and brought into this and the adjacent ports, have been subjected, perhaps has not been equalled in a century past.

[Here follows a list of nineteen captured vessels, with their cargoes.]

Copy of a letter from Captain John Stinson, Commander of the ship Huntress, to the Secretary of the Navy.

LONDON, *August* 20, 1805.

SIR: On my arrival at Liverpool I wrote, for the information of Government, giving a statement of the capture of the ship Huntress, laden with Government stores. On my arrival here Mr. Lyman informing me he had not written, induced me to forward this, lest the first should miscarry.

On June the first, latitude 36° 20′ north, longitude 74° 50′, I was brought to by a Spanish schooner privateer called La Maria, commanded by Antonio Lobo from Porto Rico. The reason Lobo gave for detaining the ship was her being bound for a British port, and not having a Span-

ish passport.* After robbing the ship of ten barrels of bread, one barrel of tar, and sundry other articles, took all my crew out excepting the cabin boy; put a prizemaster and eleven Spaniards on board, and ordered the ship for Porto Rico. On June 9th, in sight of Bermudas, was retaken by two English Guineamen; after taking the Spaniards out, put a prizemaster and crew on board, and ordered the ship for Liverpool, where she arrived 16th ult. much damaged.

I have the honor to be your very humble servant,

J. STINSON.

Copy of a letter from Lieutenant Joseph J. Maxwell to his Excellency General Castanio, Algeziras.

U. S. GUNBOAT, No. 3,
HARBOR OF ALGEZIRAS, *June* 15, 1805.

SIR: I have the honor to acquaint your Excellency that I was this morning brought to by four armed boats under Spanish colors, who, after axercising the utmost insolence, and without assigning the smallest reason, conducted me to this port.

The orders received from my Government were to proceed with all possible despatch to the commander of the American squadron in the Mediterranean. The serious consequences attending this unwarrantable detention must be too obvious to your Excellency to require a remark. I shall only observe that, if your Government authorizes indignities of this nature, to my own I must appeal for redress. I am sensible, however, this cannot be the case, and persuade myself that your Excellency will readily redress the insult offered the American flag in this instance, and take measures to prevent a repetition.

Under this impression, I am, very respectfully, your obedient servant,

JOS. J. MAXWELL.

His Excellency General CASTANIO.

Copy of a letter from Lieutenant Joseph J. Maxwell, commanding Gunboat No. 3, to Commodore John Rodgers.

U. S. GUNBOAT No. 3,
HARBOR OF SYRACUSE, *July* 8, 1805.

SIR: I have to acquaint you that, on the morning of the 15th June last, Gibraltar bearing northwest, distant two leagues, I was brought to by four Spanish gunboats, who, without examining a paper, or assigning any other reason than their suspicion of my being an Englishman, took charge and conducted me into Algeziras.

It is necessary to remark, that my guns were at that time in the hold. Immediately on my arrival, I stated, officially, the circumstance to the General of Marines, which I also enclose for your perusal. The boat was instantly discharged, with many apologies, and offers of supplies and assistance, should I stand in need of them. I was requested to wait a short time the General's answer. I did so till 4 P. M. Apprehensive I might be detained much longer, and knowing the importance of the boats joining you without the smallest delay, I weighed without it, and stood over to the rock, where, for the first time since our separation on the 15th May, I found the John Adams.

I should have waited on the General of Marine personally, but could not procure pratique.

I proceeded immediately to mounting my guns, and sailed from Gibraltar the 18th June.

I have the honor to be, respectfully, sir, your most obedient servant,

JOS. J. MAXWELL.

Commodore RODGERS.

CONSULATE OF THE U. S., *Island of Cuba:*

I, Henry Hill, jr., Consul of the United States for the said island, residing at the city of Havana, do hereby certify that the documents hereunto annexed, marked with the letters A to G inclusive, and stamped with my Consular seal, are true and faithful copies of the originals lodged and recorded in my office, having been by me therewith carefully collated and compared.

In testimony whereof, I have subscribed my name and affixed the seal of my office at Havana aforesaid, the 30th day of August, one thousand eight hundred and five, in the year of the independence of the United States the thirtieth.

HENRY HILL, Jr.

A.

CONSULATE OF THE U. S., *Island of Cuba:*

By this public instrument be it known unto all whom the same doth, shall, or may concern, that, on the day of the date hereof, before me, Henry Hill, jr., Consul of the United States of America for the Island of Cuba, resident at Havana, personally came and appeared William Cory, of Charleston, South Carolina, master of the brig Ann, and Caleb Cory, mate of said brig, who being severally sworn on the Holy Evangelists of Almighty God, did solemnly depose and declare, that being at the port of Cavañas, in this island, in the month of May last, where they were loading said vessel with a cargo for the United States, they saw lying there an American schooner called the Betsey, of New Bedford, taken by a French privateer called the Eugene, commanded by Captain Joseph Dumas, some time previous, and sent into port, which said schooner had a cargo in, consisting of about seventy-six puncheons of rum and seven or eight barrels of sugar.

That, during their stay there, they frequently saw the people belonging to said privateer taking out the cargo of the said captured schooner and carrying it on shore and selling it.

That the said privateersmen, to their knowledge, took out the whole of the said vessel's cargo, and carried it on shore, where it was sold. That it was so taken out and carried on shore in open day, without any appearance of opposition from

* She had on board, besides the ordinary marine papers, a special passport from the President of the United States, reciting the nature of her cargo, and its destination for the supply of the Mediterranean squadron of the United States. She had also the passports of the British and French Ministers.

the officers of the said port of Cavañas; that, after the said privateersmen had plundered the whole of the cargo aforesaid, and taken it from the said vessel, and all her valuable rigging and sails, they took the said vessel off the mouth of the said harbor of Cavañas and sunk her.

And the deponent, William Cory, further saith, that the said privateersman offered to sell him rum from the said cargo at thirty dollars a puncheon, which this deponent refused to buy, even at that low price, well knowing they had no title to it, and that in them to dispose of it was robbery and piracy.

That he was informed by the guard, which was on board his vessel, that said privateersmen had bribed the principal officer of said port, by giving him four puncheons of rum, to consent to the landing and sale of said cargo; and further the deponent saith not.

WILLIAM CORY,
CALEB CORY.

In testimony whereof, I have hereunto set my hand and affixed my consular seal this eighth day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

HENRY HILL, Jr.

B.

CONSULATE OF THE U. S., *Island of Cuba:*

By this public instrument be it known unto all whom the same shall, doth, or may concern, that I, Henry Hill, jr., Consul of the United States of America for the island of Cuba, resident at Havana, do hereby certify, that, on the day of the date hereof, before me personally came and appeared Jacob R. Valk, late master, and George Allcock, late mate of, and belonging to, the schooner Sea Horse, of Charleston, who, on their solemn oaths, which they then took before me upon the Holy Evangelists of Almighty God, did, severally, solemnly depose and declare, that they, the deponents, on the 9th day of June, sailed and departed in and with the said schooner laden with a cargo of flour and German linens from Charleston aforesaid, bound on a voyage to Spanish America; that the said schooner at the commencement thereof was tight, staunch, and strong, and in every respect well fitted, furnished, found, manned, and equipped, for the due performance of the said voyage, with variable winds and weather, and without any particular occurrence until the 13th day of July, when they made the island of Blanca, on the 14th, the Tortugas, and on the next day arrived off Laguira. That they lay off and on Laguira aforesaid, until the 20th following; in the course of which time he, the deponent, Jacob R. Valk, made application for admittance to entry, and being informed that that port as well as others on that coast were shut against neutrals, he proceeded agreeably to his orders and instructions for this port of Havana. And the said several deponents did further depose, that in proceeding for the said port nothing material happened, until the 24th following of said month of July, when being off the island of Jamaica they were brought to by His Britannic Majesty's armed schooner Superior, and upon being examined and found to be neutral were politely dismissed. That they prosecuted the said voyage, making the best of their way for this said port, and experienced nothing remarkable until the 4th of August instant, when doubling Cape San Antonio, in this island of Cuba, they were brought to by a schooner under French colors, and boarded by an officer and four men, who took possession of said schooner Sea Horse, and sent the deponent, Jacob R. Valk, and two of his crew, on board the said privateer, with the said schooner's papers. That the officer on board said schooner Sea Horse hailed the commander of said privateer, and said, that as he knew her to be a good prize he would bring her to anchor, immediately upon which both vessels bore away for Puerta Fuera, about four leagues from Cape San Antonio.

That the commander of said privateer, aided by several Spaniards, who came on board her in canoes from their habitations on that coast, began rummaging the Sea Horse, opening the hatches, and breaking open the packages and cases of dry goods, principally consisting of German linens, whilst the crew of the said privateer were continually passing and repassing from one of the said vessels to the other, and most of them in a state of intoxication.

And the said deponent, Jacob R. Valk, did further depose, that being detained on board said privateer from the 4th to the 6th, he had ample opportunity of observing and examining her, and found her to be an American built vessel, having painted on her stern, *Caroline of Charleston*, which was very visible, notwithstanding some black paint had been put on it to efface it, which was not done effectually. That she was mounted with one carriage gun, and one swivel, and supplied with small arms, and manned with ten men, and two negro boys, exclusive of the captain, who said his name was Paul, and the privateer the Volante. And the said deponent did further depose, that the said Paul told him that he should be sent in an open boat to Havana, and upon his answering that he was determined to remain with his vessel wherever she went, the said Paul replied that if he again opened his mouth he would set him ashore in the woods, and leave him to perish. And the said several deponents did further depose, that on the same evening they were all embarked in an open boat, under the conduct of a Spanish fisherman, to go to a place about seventeen leagues distant called Mantua, where they received their clothes, which had been previously taken from them.

And the said Jacob R. Valk did further depose, that the said captain of said privateer, after having robbed and plundered him of all his sea-charts, his vessel's and his own private papers, and also his perspective glass or telescope, and twenty-one ounces in gold, returned him six of said ounces to defray his expenses to this said port. And the said several deponents did sever-

ally further depose that James Richardson and Jacob Shoemaker, both citizens of the United States, and seamen belonging to said schooner Sea Horse, conducted themselves upon the capture aforesaid in a very mutinous manner, and remained with their own voluntary will with the said privateer.

And I, the said Consul, do further certify, that the said Jacob R. Valk did, upon his arrival at Havana aforesaid, in due time and form, note and enter with me his protest in all the premises aforesaid, and now requires of me to extend the same and make this public act thereof, reserving to himself the privilege of making any other protest in the premises as occasion may require.

Wherefore, the said Jacob R. Valk doth, and I, the said Consul, at his request do, by these presents most publicly and solemnly protest as well against the Governor at Laguira aforesaid, and all other public officers whom it may concern, for the refusal of admittance to entry as aforesaid at that port, as against the commander and officers and crew of the said privateer for the capture, and detention, and robbery, and plunder of the said schooner Sea Horse, and her cargo, and against all and every person and persons, whom it shall or may concern, for all damages, costs, charges and expenses, already suffered, or which shall or may be hereafter suffered and sustained in the premises on account thereof, that the same be borne by those to whom of right it shall appertain, to be adjusted and recovered in time and place convenient.

Done and protested at Havana aforesaid.

JACOB R. VALK,
GEORGE ALLCOCK.

In testimony whereof, the said deponents have hereunto subscribed their names, and I, the said Consul, have hereunto set my hand and affixed my consular seal this twenty-first day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

HENRY HILL, Jr.

C.

CONSULATE OF THE U. S., *Island of Cuba:*

By this public instrument be it known to all whom the same doth or may concern, that I, Henry Hill, jr., Consul of the United States of America for the Island of Cuba, resident at Havana, do hereby certify, that, on the day of the date hereof, before me personally came and appeared John L. Cranston, late master of the schooner Caroline, of Charleston, who, being by me duly sworn upon the Holy Evangelists of Almighty God, did solemnly depose and declare that, on the 12th day of April last, he sailed and departed in and with the said schooner from Charleston aforesaid, with passengers, bound for St. Thomas, where he arrived on the 1st day of May following; that he sailed from thence on the 4th, with ballast, bound to Laguira, and arrived off the said port on the 10th, and continued laying off and on until the 14th; that his sails being very much split, and the vessel otherwise in a bad state, and not being able to obtain permission to enter said port, he determined to bear away for the first port he could make, and on the day following was captured by His Britannic Majesty's ship of war Fortune, Henry Vansittart, commander, who took out him, the deponent, and his crew, and took possession of the said schooner, which he armed as a tender to cruise off Curaçoa. That on the 25th the said schooner was delivered up to him, being plundered of the boat, oars, anchors, stores, &c. That being very much in want of repairs he thought it most prudent, as well for the preservation of the said vessel and their own lives, as to procure supplies, which they likewise stood very much in need of, to bear away for Jamaica; and on the 29th of May arrived at Kingston in the said island, where he in due form made his protest.

That he sailed from thence, after having received the necessary repairs and supplies; and having on board twenty puncheons of rum, the property, as he verily believes, of Andrew Ker, of Charleston aforesaid, a citizen of the United States, on the 9th July following, bound for Charleston aforesaid, and on the 15th was boarded by a felucca pirate, commanded by one Paul Cazafranca, who took from him all the vessel's papers, and all his letters, &c., and also possession of said schooner as a prize, with which he proceeded to Puerto Fuera, about four leagues from Cape Antonio, where he came to anchor; that he there unloaded said vessel, and supplied the fishermen who were there with some of the rum belonging to the said cargo. That they continued there until the 23d following, when he sent the said schooner with the said deponent and crew to Mantua Pavola, where she arrived on the same day. And he, the deponent, with said crew, remained there until the 9th day of August, instant, without clothes or money, all of which and everything else, except two or three shirts, they were robbed of by the said captors; that he there procured a boat, and upon the promise of paying one hundred dollars, was brought to this port of Havana, where they arrived on the 14th instant.

That he, the deponent, immediately despatched a memorial to his Excellency the Governor, stating the circumstances, and praying for the restoration of said vessel and cargo; to which said memorial he has received no reply, and is of opinion that the same will be taken no notice of.

And on this same day also personally appeared before me, Andrew Ambre, mate, and William Wood and John Judson, seamen, late of, and belonging to, said schooner, who being by me severally duly sworn upon the Holy Evangelists of Almighty God, did solemnly depose, that all and every the matters and facts relating to the voyage aforesaid, and the capture aforesaid, are in every respect true.

And the said deponent, John L. Cranston, did, upon his arrival, in due time and form note and enter with me, the said Consul, his protest in the premises, and now requires of me to make this public act thereof, reserving to himself the privilege

of further extending the same, or to make any other in the premises, as occasion may require.

Wherefore, the said John L. Cranston doth, and I, the said Consul, at his request, do by these presents most publicly and solemnly protest, as well against the seas, gales of wind, and bad weather, the said schooner experienced on the said voyage, as against the commander, officers, and crews of the said ship of war Fortune and felucca pirate, for the captures, plunder, and detention aforesaid, and for all costs, damages, losses, and expenses already, and which shall or may be hereafter, sustained on account thereof; to the end that the same be borne by those to whom of right it shall belong to be adjusted and recovered, in time and place convenient.

Done and protested at Havana aforesaid.

JOHN L. CRANSTON,
ANDREW AMBREE, his × mark.
WILLIAM WOOD, his × mark.
JOHN JUDSON.

In testimony whereof, the said deponents have hereunto subscribed their names, and I, the said Consul, have hereunto set my hand and affixed my consular seal, this ninteenth day of August, in the year of our Lord one thousand eight hundred and five, and of the Independence of the United States the thirtieth.

HENRY HILL, Jr.

D.

ISLAND OF CUBA—HAVANA:

By this public instrument of protest, be it made known and manifest unto all whom the same doth, shall, or may concern, that, on the day of the date hereof, before me, Henry Hill, jr., Consul of the United States of America for the island of Cuba, resident at Havana, personally came and appeared John Dade, late mate of the brig Success of New York, whereof Nicholas Brum was master, John Fuller and Josiah Pelt, late seamen, belonging to said brig, James Ferguson and John Smith, late passengers in said brig, who, being severally duly sworn on the Holy Evangelists of Almighty God, did solemnly depose and say, that they sailed from Kingston, (Jamaica,) on the 6th day of the present month of July in the said brig Success, bound to New York, (where the said brig is owned,) with a cargo on board consisting of fifty puncheons of rum; that nothing material happened them until the 12th day of the same month, when, being in sight of Cape Antonia, (the west end of the island of Cuba,) about four miles distant, they were met with, and the said brig was boarded by a small felucca privateer under Spanish colors, which these deponents understood to be the Buena Union, Captain Ulariago, from this port of Havana, (then under the command of the mate, the said Captain Ulariago as these deponents understood, being in the city,) who, without any examination into the said vessel's papers, captured her, put a prize master and crew on board, and took the whole crew, including the said master and the said passengers, (except six Frenchmen, who were passengers in said brig,) on board the said privateer. That the said master of the said brig was cruelly flogged, beaten, and otherwise abused on board the said privateer, and was then sent on board of his said brig. That these deponents were also cruelly flogged and beaten on board the said privateer, and at night thrown into the hold and placed in irons, where they lay, without having any sustenance, until the day following, when they were liberated from the irons and suffered to come upon deck.

That the said brig was not then to be seen, and these deponents were told by the privateersmen, that they had sent her to Campeachy. That the said privateer two days afterwards came to anchor in a small bay near said cape, when these deponents were turned ashore, (after being robbed of many articles of their personal apparel,) and the mate of the said brig of his books, charts, and quadrants, without any sustenance or the means of obtaining it; and were left to wander in an inhospitable part of the island, far removed from any town or inhabitants, and to support their lives in the best manner they could.

That being desirous of finding some town or inhabitants, amongst whom they might procure the necessaries of life, they wandered abut a day or two, and at length came to a small village, where they were taken up before the commandant, who conceived them to be Englishmen, and forwarded them to this place, (Havana) as such; whither they arrived on the 30th instant, and were conveyed first to the guard-house, and afterwards to the common prison of the city, where they remained until this day, when they were liberated by order of the Governor, and paid to the jailer seventeen dollars and a half jail fees.

And thereupon the said several deponents did, in behalf of the said master, the owners, freighters, and all others concerned in the said cargo, request of me to make their protest and this public act thereof. Wherefore, the said deponents do, and I, the said Consul, at their request, also do by these presents, most publicly and solemnly protest as well against the commander, officers, and crew of the said privateer and the owners thereof, as against all and every other person and persons whom it shall or may concern, for the capture and detention of the said brig and cargo, and the subsequent circumstances, and for all costs, damages, charges, and expenses attending the same, to the end that the same be suffered and borne by those to whom of right it shall appertain, to be adjusted and recovered in time and place convenient.

Done and protested at Havana aforesaid.

JOHN DADE,
JOHN FULLER,
JOSIAH PELT,
JAMES FERGUSON,
JOHN SMITH.

In testimony whereof, the said deponents have hereunto subscribed their names, and the said Consul have hereunto set my hand and affixed my consular seal, this thirty-first day of July, A.

D. eighteen hundred and five, and of the independence of the United States the thirtieth.

HENRY HILL, Jr.

E.

ISLAND OF CUBA—*Havana:*

By this public instrument of protest be it made known and manifest unto all whom the same shall, doth, or may concern, that, on the day of the date hereof, before me, Henry Hill, jr., Consul of the United States of America for the Island of Cuba, resident at Havana, personally came and appeared Henry Palmer, master of the brig Jason, of Philadelphia, who, being by me duly sworn upon the Holy Evangelists of Almighty God, did solemnly depose and declare that, on the 7th day of April last, he sailed and departed in and with the said brig, laden with a cargo of salt, earthenware, porter, dry goods, &c., from Liverpool, in England, and bound to New Orleans, consigned to different persons there, and to the best of his knowledge and belief, the property of citizens of the United States.

That, in the prosecution of the said voyage, nothing material happened until the 20th day of June, when being in sight of Cape Antonio, four or five leagues distant, he discovered two sail at about two o'clock in the afternoon, which appeared in chase of his said vessel. That one of them came up with his vessel about half past four o'clock, when she hoisted English colors and fired two guns, on which he hove to, and waited her coming up with him. That, after having come within hail, he was ordered by a person on board said privateer to come on board with his papers, which he did; after this deponent was on board the said privateer, the English colors were taken down and Spanish hoisted; and this deponent understood the said privateer to be called the Buena Union, commanded by José Antonio Ulariago; the captain of which immediately after ordered the people of this deponent out of the boat, and sent four men in his said boat on board his said brig, and detained this deponent, with two men who had come with him, on board said privateer.

That, after the people had got on board said vessel, some conversation passed between the captain of the privateer and the people he had sent on board the brig; and immediately after they altered the course of his said brig, and stood in towards the Island of Cuba; soon after, the other vessel which was in sight came up, which he, the deponent, understood was the French Privateer Napoleon, commanded by one Pierre Liquet, which also changed her course, and stood in towards said island, in company with said Spanish privateer and the deponent's brig. That, on the same day, at about ten o'clock at night, the three vessels aforesaid came to anchor near Cape Antonio, where the best bower-anchor was lost, and a part of the cable belonging to said brig, and where was also lying at anchor a small felucca French privateer. The morning following, the 21st ultimo, the privateersmen proceeded with his said brig to a small bay, where there are a number of small islands, about six leagues from where the said brig had been anchored, and the said privateers accompanied her. In which bay the said brig was brought to anchor, where also the said privateers came to anchor. That, amongst these islands, there was lying an American schooner, called the Mary of Camden, which had been taken some time previous by the small felucca aforesaid, which accompanied the other privateers from Cape Antonio.

That this deponent was suffered, in the evening after coming to anchor, to go on board his said vessel, where he discovered that all his papers, of every description, as well as those relating to the vessel as to the cargo, and his own private papers were taken; and that the privateersmen had broken into the hold of his vessel, and taken out of a cask, which they had broken open, a number of bottles of porter which belonged to the cargo of said vessel; that two days after their arrival at said bay, to wit, on the 23d, the privateersmen opened the hatches of his said vessel, and took several packages of dry goods upon deck, when they descried a sail in the offing, on which the goods were put below, and the hatches shut, and the said three privateersmen went out in pursuit of said sail, but soon after returned; that, on the day following, the 24th, the privateersmen again opened the hatches of his said vessel, and took out all the dry goods, being about thirty-two packages; also, one cask, containing twenty bags of shot, and also a number of casks of porter, which they sent on board the different privateers, and also put on board the French privateer Napoleon all the dry goods and the said cask of shot, and nineteen half-barrels of salt, and likewise robbed and plundered the said vessel of a considerable quantity of her rigging, furniture, and apparel.

And the said deponent doth further depose and say, that they put on board the said schooner Mary twenty casks of porter, some crates of earthenware, and other articles.

That, on the 28th, the said brig was got under way, with a prizemaster on board from the said Spanish privateer, and eight men to her also belonging, together with this deponent and three of his men, the mate having been put on board of the privateer, with three others of the crew of the said brig; that he, the deponent, was informed they were coming with said brig to Havana, but after coming to anchor at various places on the coast, at several of which a quantity of porter and salt was taken out of said brig and given to different people on the coast; and, on the 9th instant, they came to anchor with said brig in the harbor of Cavañas.

That, the day following, this deponent demanded leave to go on shore in order to make his situation known to the commandant, but was refused, and kept prisoner on board his said vessel until Sunday, the 15th, when he was taken out with one of his men and put on board a small open boat, in which also embarked the prizemaster and four men belonging to the said privateer, and was informed by the prizemaster they were coming to

this port; that, on the day following, they arrived at this said port, and this deponent was forcibly taken to the guard-house, and not permitted to have any communication with any person; and was so kept in prison until the next day about ten o'clock, when he was taken to the marine office and questioned relative to his capture, and was there set at liberty; that he, the deponent, frequently demanded his papers of the said privateersmen, which consisted of the papers of the said brig, invoices, and bills of lading of cargo, about two hundred and twenty letters, and various other papers, but was uniformly refused them.

And on this same day, before me also personally appeared Nathaniel Houston, chief mate, late of, and belonging to, the said brig Jason, who, being by me duly sworn upon the Holy Evangelists of Almighty God, did solemnly depose and declare, that all and singular the matters and facts before stated and set forth, are in every respect true.

Whereupon, the said Henry Palmer doth, and I, at his request, do most publicly and solemnly protest, as well against the commanders, officers, crews, and owners, of the said Spanish and French privateers, as against all and every other person and persons whom the same shall or may concern, for the unlawful capture and detention of the said brig whilst in the prosecution of a lawful voyage, and the depredations, robbery, and plunder, committed upon the said vessel, her rigging, furniture, and cargo, and for all damages, losses, costs, and expenses, which shall or may be sustained in the premises on account thereof. And the said Henry Palmer doth hereby reserve to himself the privilege of making any other, or additional protest, as need and occasion may require.

This done and protested at Havana, as aforesaid.

HENRY PALMER,
NATH. HOUSTON.

In testimony whereof, I have hereunto set my hand and affixed my consular seal, this 20th day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

HENRY HILL, Jr.

F.

CONSULATE OF THE U. S., *Island of Cuba:*

By this public instrument of protest, be it known unto all whom the same shall, doth, or may concern, that, on the day of the date hereof, personally appeared before me Jacob Paiddrick, a citizen of the United States, born in the county of Camden, State of North Carolina, late mate of the schooner Mary of Camden, aforesaid, Stephen Charles, master; also, John Davis and Jeremiah Graves, both citizens of the United States, and late mariners on board of said schooner; who, being severally duly sworn on the Holy Evangelists of Almighty God, did depose and say, that they sailed from Jamaica on board of said schooner, bound for Charleston, South Carolina; and that, while lawfully and peaceably pursuing their said voyage on board said vessel, with a cargo, consisting of thirty puncheons of rum and five hogsheads of molasses, the property of citizens of the United States, they, together with said vessel and cargo, on the 22d of May, aforesaid, were captured by a felucca privateer, under French colors, one Paul, commander, who took possession of said vessel and cargo, and brought her to an anchor the same day, near Cape Antonio; that the aforesaid Stephen Charles, master of said schooner Mary, was forcibly taken out of his said vessel, and put on board of an American vessel bound to Charleston; that these deponents, after remaining six or seven days on board said schooner, during which time she continued at anchor, were forcibly taken out of said vessel, and put on shore at Cape Antonio, without any sustenance or means of obtaining it, and told to stay there and die, or go where they pleased; that they found several fishermen near the place aforesaid, who, pitying their distressed situation, hospitably supplied them with provisions during six or seven days; at the expiration of which time, Anselmo Henrique, who had a canoe, and was fishing on the coast, was prevailed upon, at the instance of these deponents, to bring them to this city of Havana, on condition of their giving him their clothing, which they, these deponents, were obliged to do; that the said Anselmo Henrique, having received their clothing, took them on board his canoe, and proceeded with them on their way hither, as far as the port of Cavañas; the commandant of which port would not suffer them to proceed further in said canoe, declaring them to be Englishmen and spies, and placed them in the stocks as prisoners, and kept them there about fourteen hours, when they were liberated and suffered to proceed to this place by land, with the said Anselmo Henrique, where they arrived this day.

And thereupon the said deponents, in behalf of themselves, the said Stephen Charles, and all others concerned in said schooner and cargo, do, by these presents, most publicly and solemnly protest, and require of me to protest. Wherefore, at the request aforesaid, I, the said Consul, do protest, as well against the commander, officers, and crew, of the said felucca privateer, (the name of which is at present unknown,) Paul, commander, and all others whom it may concern, for the illegal capture of the said schooner Mary and cargo, and the treatment of the said master, Stephen Charles, and they, the said several deponents, experienced as aforesaid, the dangers and hardships they encountered in consequence thereof, and for all damages, losses, costs, and charges, attending the same.

This done and protested at the said city of Havana.

JACOB PAIDDRICK,
JOHN DAVIS,
JEREMIAH GRAVES.

In testimony whereof, the said deponents have hereunto subscribed their names, and I, the said Consul, have hereunto set my hand, and affixed my consular seal, the 14th day of June, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the twenty-ninth.

HENRY HILL, Jr.

G.

Declaration of John Evans, master of the ship Eliza, of Norfolk, and of Charles Simmons, Jun., and Edward Lowrie, seamen belonging to said ship.

Before me, Henry Hill, jr., Consul of the United States of America for the island of Cuba, resident at Havana, on the day of the date hereof, personally came and appeared John Evans, master of the ship Eliza, of Norfolk, and Charles Simmons, jun., and Edward Lowrie, seamen belonging to said ship, who, being by me severally duly sworn upon the Holy Evangelists of Almighty God, did depose and say, and first the said John Evans:

That he sailed from Norfolk in the said ship on or about the 12th day of October last, with a cargo on board, consisting of staves and provisions, bound for Kingston, Jamaica, the said cargo being the sole property of Conway and Fortescue Whittle, merchants of Norfolk, and citizens of the United States; that he arrived in and with said ship on or about the 5th day of November following, when the said cargo was sold for account of the said Messrs. Conway and Fortescue Whittle; that from Kingston he proceeded in and with said ship to Anotta bay, on the north side said island of Jamaica, for the purpose of loading his said ship with a cargo, where he actually purchased and loaded on board said ship, a cargo, consisting of one hundred and seventy-nine puncheons of rum, for the sole account and risk of the aforesaid Messrs. Conway and Fortescue Whittle; that he sailed thence in and with said ship with said cargo, on or about the 21st day of March following, bound to Norfolk aforesaid, with all the necessary and usual documents on board, to prove the said ship and cargo bona fide American property, belonging to citizens of the United States; that on the 27th day of same month, while peaceably and lawfully navigating his said ship for the port of Norfolk aforesaid, then being in sight of the Isle of Pines, on the south side of this island of Cuba, he was met with, boarded, and unlawfully captured by a privateer under French colors, called the Vigilant, commanded by one Amado Dejan, as he understood, who forcibly and unlawfully deprived this deponent of the possession of his said ship and cargo, and placed a prizemaster and men on board thereof, from the said privateer, and with force and violence took this deponent out of his said ship, together with Onis Danion, first mate, and Richard Thomas, second mate thereof, and six of the seamen of his said ship, and landed them on the west end of said Isle of Pines, with only one day's provisions, and without the means of procuring further sustenance; that this deponent, with his said mates and crew, remained at said port of said island, which is entirely uninhabited, about two weeks, and supported themselves on fish which they caught, there being no other food or sustenance to be procured; at the expiration of which time, that he, with his said mates and crew, took passage in a Spanish vessel, which casually touched there, and were transported to the east end of said island of Pines, where there are some inhabitants, whence this deponent, with his said mates and crew, after remaining four or five days, took passage in a Spanish vessel, and proceeded to Batabano, in this island of Cuba, whence they proceeded by land to the city of Havana; that, after being some days in this city, this deponent heard his said ship had been taken into Batabano, and soon after saw the prizemaster here who was put on board his said ship, who gave to this deponent the following papers of said ship, declaring, at the same time, that he considered the said ship and cargo American property; that the captain of said privateer had absconded and left him without support, and that he had no idea of pursuing her as a lawful prize, and had abandoned her; that the papers which were delivered to this deponent were the following: 1st, the Mediterranean pass of said ship; 2d, sea-letter; 3d, clearance from Norfolk; 4th, articles of agreement between master and mariners of said ship; 5th, certified list of crew; 6th bill of health, &c.; 7th, ship's log book. That the said ship had a register and certificates of property of cargo, bills of lading, invoices, &c., at the time of capture, which were taken from him, and which were not delivered up with the other papers, and which this deponent understood, and has reason to believe, were unlawfully and wantonly destroyed; that this deponent, after ascertaining that his said ship was in Batabano aforesaid, and after receiving the said papers, did, on on the 7th day of May last, present to his excellency the Marquis of Someruelos, Captain General of said island of Cuba, a memorial, wherein he stated the capture of the said ship, and prayed that she might be restored to the rightful owners, from whom she had been unlawfully captured; that, not having any reply to his memorial, he, shortly after, again memorialized his Excellency, praying that he would order his ship to be restored; that not having any reply to this, his second memorial, and understanding that a part of his crew who were suffered to remain on board at the time of capture, were detained as prisoners on board in the said port of Batabano, and were suffering for the want of the necessaries of life, and that the Frenchmen who remained on board, and the Spaniards from shore, were daily plundering from his said ship and cargo, and wishing to know the state thereof, and to grant some relief to his crew, he proceeded to Batabano without a passport, (the Captain General having refused him one,) with intent to go on board his said ship, and was ordered by him immediately to return to this city, or that he would send him back prisoner under a guard of soldiers, wherefore this deponent was obliged to return; that, on the 14th day of June,

he again memorialized his Excellency, presenting therewith all the papers of the aforesaid ship, delivered up to him by the prizemaster aforesaid, (except the sea-letter, which was presented with his first memorial,) in consequence of which, on the day following, a decree was given, ordering his said ship and cargo to be restored and delivered him, and a passport granted for him to proceed to Batabano and take possession thereof.

That for this purpose he proceeded to Batabano, and on his arrival there, the 24th of June, he presented his passport and order to the commandant there, who sent with him an officer and two soldiers to execute the said order and give him possession of his said ship. That accordingly, on the 25th day of June, he received possession of his said ship, and on examination thereof, and of her cargo, there was a deficiency of the following articles, which had been plundered from her since the capture aforesaid, to wit: two boats, a string cable, three anchors, two new top-sails, a new foresail, four studding sails, two royals, several spars, all her spare running-rigging, all her cabin furniture and water casks, besides blocks, and many other small articles, and from her cargo, ninety-six whole puncheons of rum, there being only eighty-three remaining on board, and many of these wanting from ten to fifty gallons, so that this deponent conceives that the contents of the said eighty-three puncheons would not more than fill sixty.

That an account was presented to him at Batabano, against said ship, of upwards of nine hundred dollars, for various articles which had been taken up upon the credit of the said ship by the Frenchman who captured her, which this deponent was obliged to satisfy before he was suffered to depart with his said ship. That on the 12th day of July instant, he departed in and with the said ship from the bay of Batabano, and arrived at this port of Havana on the 26th day of July instant, without any material accident happening, and came to anchor at the mouth of the harbor, not being permitted to come on with said ship for the purpose of supplying himself with the necessary stores, cables, &c., to proceed on his voyage to Norfolk, aforesaid, whither he is bound.

And the aforesaid Charles H. Simmons and Edward Lowrie, depose and declare that all and every the matters and things set forth and declared by the said John Evans in the preceding declaration, relating to the capture of the said ship, and the deficiency therein stated of her cargo, apparel, furniture, &c., are, to their knowledge, just and true.

That they were detained on board said ship after the capture, and held prisoners on board, frequently wanting for the necessaries of life, until she was given up to the said Captain Evans, as stated in his declaration.

That before the said ship was taken into Batabano, she was brought to anchor by the said privateersmen upon the coast of Cuba, about ten leagues to the west end of the said port of Batabano, where they took from her cargo a number of puncheons of rum, and put them on board of a schooner.

That the said ship was again brought to anchor before her arrival at Batabano, about one league from the port, where the said privateersmen also took from her cargo a number of puncheons of rum, and put them on board a Spanish sloop, which these deponents understood belonged to the King's pilot at Batabano, who assisted the said privateersmen in the robbery.

That on the said ship's arrival at Batabano, a number of puncheons of rum were then taken out of said ship, and carried on shore by the said privateersmen, assisted by some Spaniards on shore, who, during the said ship's remaining there, night after night, smuggled on shore from the said ship quantities of rum, which they drew from the puncheons on board into small kegs. That the said Frenchmen and Spaniards daily plundered the rigging and furniture of said ship and were very abusive and gave much ill treatment to these deponents.

JOHN EVANS,
CHAS. H. SIMMONS, Jr.
EDWARD LOWRIE.

And the said John Evans having applied to me, the said Consul, to make his protest in the premises, I have granted this public certificate thereof, to serve and avail him, and all, in the premises aforesaid, as occasion may require.

Wherefore, the said John Evans, in behalf of himself, the freighters, owners, and all others concerned in the said vessel and cargo, doth, and I, the said Consul, at his desire, do, by these presents, protest, as well against the commander, officers, and crew, of the aforementioned privateer, as against every person and persons concerned therein, for the capture of the said vessel, and the robbery and plunder committed upon the said vessel and cargo, for all damages losses, costs, and expenses already sustained, or which shall or may hereafter be sustained, suffered and incurred in the premises on account thereof.

Done and protested in the city of Havana, agreeably to mercantile laws in such cases used and approved of.

In testimony whereof, the said deponents have hereunto subscribed their names, and I, the said consul, have hereunto set my hand and affixed my consular seal, this second day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

HENRY HILL, Jr.

ST. JUAN, (PORTO RICO,)
September 12, 1805.

SIR: When depredations on neutral property by Powers at war becomes the order of the day, when no respect is paid to existing treaties, I conceive it a duty incumbent on every individual to note every such infringement, and to give advice of it to the Executive of that Government to which he belongs.

As I am unaccustomed to a forensic style, I shall simply relate my own case, and whatever has come under my immediate observation during

my short stay in this island. I left Norfolk on the first of June last in the brig Catharine, bound for the island of Antigua, laden with a cargo of provisions and lumber, where I arived, and sold said cargo. I left Antigua on the 29th of July, with a return cargo, bound back to Norfolk; on the 4th August, in latitude 23 deg. 10 min. north, longitude 65 deg. west, was captured by the French brig called General Blanshot, John Baptiste de Brun, commander, and sent into one of the ports at the west end of this island. The privateer plundered me of my stores and ship's provisions and part of the cargo. The vessel was immediately stripped of her sails and rigging and sent ashore; my people taken out, put on board of another vessel, and sent out of the island. Under these circumstances I came to the city and applied to the Governor, requesting his interference; stating to him that my papers were perfectly regular, and that my capture was of course illegal; and I likewise requested him to order security to be given for the amount of my brig and cargo, as the agent of the said privateer was a resident merchant of this city. But all my representation has been to no effect: he has absolutely refused to take cognizance of my business. My papers remain in the hands of Mr. Daubon, the agent of the captors. I may be detained here many months to come, and the vessel and cargo exposed to a total loss. My trial, if any I am to have, must be, by the determination of this Government, either at Martinique or Guadaloupe; thus, under the present circumstances, this island may become the asylum of pirates and robbers. No pretence has been given for my capture; as I came from an English island I might have English property on board. At the time of my capture, my cabin boy was carried on board the privateer and put in irons, threatened with severe chastisement unless he would declare that specie was deposited in some part of the vessel. This attempt proving fruitless, I now (in all probability) must be the victim of measures dictated by men without principles of honesty or honor. Thus far as relates to myself. I shall now take the liberty of relating to you some other particulars that have come under my observation. At my arrival at the port of my entry on the west end of the island, I found at anchor the brig Susanna, of Portland, Maine, the captain's name I do not recollect; said brig arrived the day before and prize to the same privateer; she was from Portland bound to Jamaica, and was taken on her outward bound passage, with a cargo of fish and lumber; said brig was immediately unloaded and ballasted with sand, and, without more ceremony, the captain and crew of said vessel were shipped off, with a very scanty supply of provisions, and left to search for the first port they could make. On the 4th instant, arrived the brig Polly, of Tiverton, Rhode Island, Captain Trip; and on the 5th instant, the schooner Mary Ann, of Boston, Captain Anthony, and bound to the island of Barbadoes, loaded with cattle and horses, and provisions on the deck. They are prizes to a Spanish xebeck, from Cadiz, bound to Vera Cruz. The captains live still on board with their crews, and may remain so for many days to come; while the captor and his agent are prosecuting every measure to effect the condemnation of said vessels as lawful prizes.

I am, &c.

JOSEPH LEONARD.

JAMES MADISON, Esq., *Secretary of State.*

U. S. CONSULAR OFFICE, *Gibraltar:*

[L.S.] On this 13th day of September, 1805, personally appeared in my Consular office of the United States of America, John Allen, commander of the sloop Ranger, belonging to the Government of the aforesaid United States, and John Thompson, master's mate on board said sloop Ranger, who, after being sworn on the Holy Evangelists, did declare jointly and severally, each speaking for himself, that they sailed in and with said vessel from Boston in America, on or about the 21st day of July last, on the service of said Government, in company with the sloop Traveller, commanded by Captain Benjamin Prince, with whom they parted company a few days after their leaving Boston, by stress of weather.

That, on the 23d of August last, being in latitude 40° 32′ north, and longitude 30° 33′ west a schooner came up with them, mounting six guns with sixteen blunderbusses, and about eighteen men, who, although the American colors were flying on board the Ranger, and the vessel hove to, fired three broadsides at her without showing any colors, ordering Captain Allen to go on board them, which he did; they then came on board the sloop Ranger, broke open Captain Allen's chest and trunk, taking from them twelve white shirts, a suit of uniform, six pair silk and six pair of cotton stockings, twelve handkerchiefs, two blue jackets, three white dimity waistcoats, two new hats, two pair new shoes, and two pair nankeen pantaloons, a spy-glass, sixty-three gallons brandy, butter, cheese, pork, and other articles of ships stores; likewise, the doctor's box, the mates' and some of the men's clothes and money; also, a letter from the Governor of Malta, and several other papers.

That the commander and crew of the said schooner privateer behaved in a most insulting and abusive manner, and they seemed by their appearance, language, dress, and manners, to have been Spaniards; wherefore, they make this declaration and protest, not only for the robbery committed, but also for the insult shown the flag under which they sailed.

JOHN ALLEN,
JOHN THOMPSON.

Sworn and declared the day and year first above written before me, JOHN GAVINO.
Consul U. S. of America.

Extract of a letter from Governor William C. C. Claiborne, to the Secretary of War, dated

NEW ORLEANS, *March* 15, 1804.

SIR: In consequence of a letter I received from Mr. Joseph Chambers, the United States factor at Fort St. Stephens, informing me that he had a

quantity of peltry, &c., ready for exportation, and desiring that I would make arrangements with the Spanish authorities to secure to articles to and from the factory a passage free from interruption or duties, I addressed to the Governor of West Florida, (who is now in this city,) a letter of which the enclosed No. 1 is a copy, and on this day I received an answer, of which No. 2 is a copy. From these documents, you will discover that the interest of the factory is, in a measure, subjected to the caprice of a Spanish officer.

No. 1.

Copy of a letter from Governor Claiborne to Governor Folch, dated

NEW ORLEANS, *March* 7, 1804.

SIR: The President of the United States, with a view to preserve a good understanding with the Choctaw Indians, has established a factory or trading-house at Fort St. Stephens, on the Tombigbee river. The goods transmitted to this factory, and the peltry, &c., exported therefrom, are the property of the United States, and I persuade myself that, on their passage by way of Mobile, no duties will be exacted, or interruption offered, by the authorities of Spain.

I beg leave to remind your Excellency that, by a treaty between the United States and His Catholic Majesty, they are mutually bound to restrain the Indians within their respective limits from committing hostilities against the adjacent settlements of either Power.

The prosperity, therefore, of the factory at Fort St. Stephens is interesting to both our nations, since the influence which the American Government may acquire in the Choctaw councils will be used not only to secure peace and safety to our own frontiers, but to the dominions of His Catholic Majesty.

Accept the assurances of my great respect and high consideration.

WM. C. C. CLAIBORNE.

His Ex'cy Gov. FOLCH.

No. 2.

Copy of a letter from Governor Folch to Governor Claiborne, dated

MARCH 15, 1804.

SIR: In order to answer your letter of the 7th instant, with due propriety, and according to the spirit of the Royal orders prevailing on the subject, I consulted the Intendant, Mr. John D. Morales, who has given me his opinion in the following terms:

"My opinion, sir, respecting the particulars related in Governor Claiborne's letter to you, is, that we cannot deviate from the order given to us by His Catholic Majesty, which I have transcribed to you in my last, of the 8th instant. For the same reason, when His Excellency, General Wilkinson, requested to allow the pass of two American vessels, one in the Spring, the other in the Fall, which I did not grant, and His Majesty approved my conduct, and caused the treaty to be carried into execution."

These circumstances will convince your Excellency that it is not in my power to comply with your request; however, I will represent the case to the King, and inform you of the result as soon as possible.

Accept assurances of my respect and consideration. F. FOLCH.

His Ex'cy Gov. CLAIBORNE.

Extract of a letter from Joseph Chambers, United States factor, to the Secretary of War, dated

CHOCTAW TRADING-HOUSE, *April* 11, 1804.

"It may not be improper in me to state, that it will be impossible for me to continue the trading-house on the river Tombigbee, and to afford to the Indians that friendly accommodation intended by the Government, without incurring certain loss, unless we are speedily freed from the heavy exaction of twelve per centum demanded by the Spanish officers at Mobile, on all exports that pass this port, and the same on imports, making together nearly one-fourth per cent."

Extract of a letter from Governor Claiborne to the Secretary of War, dated

NEW ORLEANS, *April* 20, 1804.

"In conformity with my advice, Joseph Chambers, United States factor for the Choctaw nation, has shipped a quantity of peltry for Philadelphia, (via New Orleans.) On the passage of the peltry down the Mobile river, a duty was demanded by the Spanish officers at the town of Mobile, and which Mr. Chambers paid, not, however, without entering a protest against the proceeding, a copy of which I now enclose you.

"Some provisions sent by the contractor from this city to Fort Stoddert were also detained at Mobile, until a duty of twelve per cent. was paid thereon; duties are also exacted on all exports passing down the Mobile, and paid very reluctantly by our citizens.

"The Spaniards are fortifying Pensacola and the town of Mobile; at the former place there is to be stationed five or six hundred men, and at the latter a battalion of artillery, and one company of dragoons are now employed."

Protest of Joseph Chambers, United States factor.

Whereas, by the order of the proper officers of the Government of the United States of America, sixty bales, three hogsheads, and one barrel of peltries and furs, the property of said Government, collected at the Governmental trading-house, established by authority, for the friendly accommodation of the Choctaw nation of Indians, was directed to be transported from the said trading-house, in the county of Washington, Mississippi Territory, by descending the Tombigbee or Mobile river, and from thence to the city of Philadelphia, in the Atlantic part of the United States, (via New Orleans.) The said cargo of peltries

and furs, being on its passage as aforesaid, at the mouth of the said river at the post of Mobile, the officers of His Most Catholic Majesty the King of Spain did at that post demand a duty of twelve per centum upon *their* estimated value of said cargo, to be paid for the use of His Majesty, and it was then made known and properly certified to the said officers, that the said peltries and furs were the property of the United States, and was then on its passage from one part thereof, to another. Notwithstanding which, the said officers did on the thirteenth day of April, A. D. one thousand eight hundred and four, detain and stop the said cargo at the said post of Mobile, and did then and there refuse to permit it to proceed on its passage, until the said duty of twelve per centum, amounting to one hundred and eighty-two dollars and sixty-eight cents, was paid.

Now, the undersigned agent of the United States, having paid the aforesaid sum of one hundred and eighty-two dollars sixty-eight cents; not admitting the right of His Most Catholic Majesty's officers to exact or impose the aforesaid duty in manner and form aforesaid, cannot suffer a proceeding so unaccommodating, and apparently unjust, to pass with tacit acquiescence, and in compliance with his obligations he enters this his remonstrance and solemn protest.

Because, the exaction of a duty upon the property of a Government passing upon navigable waters, (which are the common highways of nature,) from one part of its territories to another, although this passage might intersect the limits of a different Government, is in violation of a right which ought not to be questioned by nations friendly to each other.

Because, His Most Catholic Majesty has manifested a disposition friendly, liberal, and just, toward the Government of the United States, and the Chief Magistrates of each nation have mutually cultivated peace, harmony, and good will, between their respective citizens and subjects, it is therefore supposed that this proceeding is without His Majesty's orders or his knowledge, and that it has probably emanated from the same source from which the unauthorized act of shutting the port of New Orleans against the United States' right of deposit, in the year one thousand eight hundred and two, proceeded. That the proceedings aforesaid may be duly made known to His Most Catholic Majesty the King of Spain, and to the President of the United States of America, and thereby become the subject of proper investigation, this remonstrance and protest is made and delivered to Colonel Maximilian Maisant, commandant political and military at Mobile.

Done at Mobile, this 13th April, 1804.

JOSEPH CHAMBERS,
Agent to the Choctaw trading-house.

Copy of a letter from Joseph Chambers, United States factor, to the Secretary of War, dated

CHOCTAW TRADING-HOUSE,
HOBUKINTOOPA, *Dec.* 12, 1804.

SIR: Enclosed herewith is a copy of a letter from Michael Aelava, collector of the customs at the port of Mobile, to me, and my reply thereto: his letter and the vessels with the goods I met at Fort Stoddert, on my way to Mobile. I have earnestly to solicit you will direct me how to proceed in the particular business to which these letters relate, also, to give instructions for my government, generally, in my intercourse with the Spanish officers at Mobile, for your instructions would relieve me from much anxiety, occasioned by my fears, that, by acting from my own discretion, I may commit errors, or do things that might not meet your approbation; increased hindrances and obstacles are given by the Spanish officers at Mobile to this house; although justice demands that I shall state that Michael Aelava, collector, has been very civil and respectful in the execution of what he states to be the duties of his office, and the orders of his superior officers.

There will be a considerable quantity of peltry and fur to remit the ensuing Spring from this house; if a duty is to be allowed to the Spaniards upon its passage by Mobile, I must be furnished with the means to meet it. I, however, flatter myself that we will in a very short time have the free and unfettered navigation of the Mobile river.

I have the honor to be, sir, with perfect respect and attachment, your most obedient humble servant,

JOSEPH CHAMBERS.

Gen. DEARBORN, *Secretary of War.*

Copy of a letter from Michael Aelava to Joseph Chambers, dated

MOBILE, *Nov.* 20, 1804.

SIR: From what Mr. Smith gave me to understand, I have expected, since Sunday last, to have seen you here; the weather now is favorable, and I do not wish to detain the vessel. Mr. Smith has bound himself to me to pay the duties on his goods at the end of the year if Governor Folch does not free them; in full assurance that I have to do with a man of honor, and that you will acquiesce to the above conditions; and if not convenient for you to come down yourself, you can make out an obligation, (in the manner Mr. Smith has done,) for what goods belong to you, and send it to me as soon as possible, for as a public officer I must always have documents to show.

I am, with consideration and esteem, your most obedient servant,

M. AELAVA.

Document, relative to the obstruction of our commerce on the Mobile.

Copy of a letter from Joseph Chambers to Michael Aelava, Collector of the Customs, at Mobile, dated

FORT STODDERT, *Nov.* 27, 1804.

SIR: I had the honor to receive your letter of the 20th current, yesterday. It should have been known, that I did at Mobile, in April last, protest against the right to exact duties from the United States, for its property passing by water, from one of its ports to another, although, in such passage, it might intersect the territory of another Government; therefore, there was no ground of assu-

rance or even probable expectation, that I would consent to, or acquiesce in the decision of Governor Folch, only on this question. Further, it will be recollected by the commandant, Capt. Osorno, Colonel Maxent, and Mr. Simpson, that I did at that time refuse to sign a bond for duties, (but the necessity of the case only induced me to pay the duties then demanded,) consequently, a bond could, or ought not to be expected from me in this instance, to authorize the passage of public goods, for the Indian trading-house, and the Indian presents, and more especially when we take into view the fifth article of the Treaty of San Lorenzo de Real of the 27th October, 1795, between the United States and the King of Spain, and which the stoppage of these goods, might, perhaps, have tended to counteract. Here I quoted the article. Vide treaty, article 5.

The United States have suffered Spanish subjects, for their own private account and interest, to furnish the Indians within their limits with merchandise without tax or hindrance.

The Spanish Government, by its officers at Mobile, have levied and demanded oppressive taxes on the property of the United States, which property or merchandise was expressly intended by the American Government for the humane and benevolent purposes of cultivating peace, friendship, and good will, between the Indians within their limits and the white people; and also to promote the civilization and happiness of these Indians.

Under the foregoing circumstances, no bond could, or will be given by me, without express orders from the Government under which I have the honor to act. No great public accommodation (for it is the Government only that is interested) is received by the permission for these goods to pass; after some of them had been detained one month, or thereabouts, without any notice being given for what cause, and, knowing, as I presume was known and well understood, that they were the property of the United States, and consequently, they must have been permitted to pass as their property only, without any relation to my individual honor or interest, and upon the Governmental responsibility. I feel confident that the American Government will cause justice to be done toward you as an officer, for the friendly accommodation intended them by the forwardment of their vessels. I shall send a copy of your letter, and of this, to the proper officers of Government, also inform them of the respectful manner in which you have exercised the duties of your office in your concerns with me. I am, &c.

JOSEPH CHAMBERS.

Governor Claiborne to the Secretary of State.

NEW ORLEANS, *Aug.* 7, 1805.

SIR: In my communication of the 29th ultimo, was enclosed a letter to me, from the Marquis of Casa Calvo, (soliciting that Spanish officers now in this territory may be exempted from the payment of the municipal tax,) together with a copy of my answer thereto.

I now have the honor to transmit you a second letter from the Marquis on the same subject, together with a list of the officers alluded to, and if it be not improper, I should be glad to hear your sentiments as to the propriety of the exemption solicited; my own opinion is, "that the officers generally who possess property within this territory are liable to taxation; nor can exemption be made in favor of the Marquis and the members of his family, until he shall have been recognised by the President as an agent of Spain." You, no doubt, will be surprised to find so many foreign officers in this city; the fact is, sir, they are wedded to Louisiana, and necessity alone will induce them to depart. I have repeatedly, by letter and verbally, informed the Marquis, that the continuance in this territory "of so many Spanish officers, so long beyond the right occasion for it," was not seen with approbation, and urged their departure. The Marquis has as often assured me of his disposition to comply with my wishes, but you will perceive that the inconvenience is not yet remedied.

I have the honor to be, sir, with great respect, your humble servant,

WM. C. C. CLAIBORNE.

JAMES MADISON, *Secretary of State.*

To the Governor of the Territory of New Orleans.

NEW ORLEANS, *Aug.* 2, 1805.

SIR: In consequence of the letter your Excellency has been pleased to write to me, relating to the doubt which I manifested concerning the persons employed in the commission of limits, and other subjects of His Catholic Majesty, who are yet in, but about to depart from this province, I enclose to your Excellency the list of persons who now compose the said commission, together with that of the individuals who are about to depart from this country, as soon as their business therein shall be terminated, and also, that of the retired individuals, and of the widows on pensions, who may remain in this province. May your Excellency live many years.

DE CASA CALVO.

I do certify the above translation.

MOREAU LISLEY, *Interpreter.*

A list of the individuals composing the expedition of the limits of the Province of Louisiana, as approved by His Catholic Majesty's order of the 20th August, 1804.

Principal Commissioner—The Brigadier General Marquis de Casa Calvo.

Associate Commissioner—Lieutenant Colonel Don Joseph Martinez de Croza, brigade major in the corps of engineers.

Secretary—The Commissary at War *ad honores*, Don Andrew Lopez Armesto.

Clerk—The first sergeant of the regiment of the Havana, Antonio Martinez.

Captain—Don Nicholas Finiel.

Captain in the army—Don Stephen Minor.

Captain in the militia—Don Thomas Power.

Chaplain—Don Sebastian Gili.

Surgeon—Don Joachim Ablandedo.

Commander of the escorting troops—Don Benigno Garcior Calderon, adjutant in the regiment of Louisiana.

Sergeant of the same—John B. Dela la Cruz, with a corporal and ten grenadiers.

Adjutant—Don Ignatius Fernandez, adjutant of the regiment of Louisiana.

Officer of the revenue—Don John Tala.

Clerk of the same—Don Felix Tala, his son.

Surgeon of the Hospital—Don Fernando Moreno.

Commander of the galliot and smaller boats—Don Anthony Molina.

Carpenter—Manuel Guillemain.

NOTE.—That, for the purpose of purchasing of timber for the navy, the fourth officer of the naval administration Don Anthony de J. Carra, and his clerk Don John B. Bernendez, are in this place.

A. LOPEZ ARMESTO, *Secretary.*
MOREAU LISLEY, *Interpreter.*

NEW ORLEANS, *July* 30, 1805.

A list of persons employed by His Catholic Majesty, who are to depart as soon as their business is terminated.

ADMINISTRATION OF THE KING'S REVENUE.

1. Don John Ventura Morales, paymaster general of the army, late Intendant *pro tempore* in this province.

2. Don Gilbert Leonard, treasurer of the army, late paymaster general *pro tempore* in the said province.

3. Don Manuel Armirez, treasurer *pro tempore.*

4. Don Cayetano Valdez, secretary of the Intendency.

5. Don Francis Arroya, destined by a royal order for Porto Rico.

6. Don Joseph Ruida, who is to go to Campeachy.

CUSTOM-HOUSE.

1. Don Joseph Anthony de Hoa, administrator.

2. Don Anthony Morales, treasurer.

3. Don Manuel Toledano, officer of the guard of the custom-house.

ROYAL HOSPITAL.

1. Don Joseph Trustas, surgeon, who has order of the King to retire into Pensacola.

SURVEYOR GENERAL.

1. Don Charles Trudeau.

LOPEZ ARMESTO, *Secretary.*

I do certify the above translation.

MOREAU LISLEY, *Interpreter.*

NEW ORLEANS, *July* 30, 1805.

A list of the officers in His Majesty's service, who are to depart immediately after having terminated their business.

OFFICERS WHO BELONGED TO THE LATE STAFF OF THIS PLACE.

Town Major—Lieutenant Colonel Don Gilberto Guillemard, who is on the point of going to Pensacola.

Adjutant—Lieutenant Colonel Don Paul le Blanc, who is to go to the same place.

Adjutant—Captain Henry Mentzinger, who is ordered to go to the said place.

OFFICERS OF THE REGIMENT OF LOUISIANA.

Captains.

Lieutenant Colonel Don Zenon Trudeau,
Lieutenant Colonel Don Ignatius Delino,
Lieutenant Colonel Don Joseph le Blanc,
Lieutenant Colonel Don John Lassize,
Lieutenant Colonel Don Felix Trudeau.

NOTE.—They ought to have joined ther corps, and, for not having yet done it, are exposed to lose their commissions.

MILITIA.

Captain—Don Lewis de Clonet, late commander of the same.

ARMY.

Lieutenant Colonel—Don Peter Rousseau, who has solicited his retreat.

Captain—Don Henry Peyroux.

POSTS.

Don Peter Marin, late administrator of the same.

ANDREW LOPEZ ARMESTO.

I do certify the above translation.

MOREAU LISLEY, *Interpreter.*

NEW ORLEANS, *July* 30, 1805.

A list of the retired officers, and of other persons employed in the service of His Catholic Majesty, who remain in this Province in order to settle their business, or on account of their old age or infirmities.

1. Don Nicholas d'Annoy, colonel of the royal corps of artillery.

2. Don Manuel Perez, lieutenant colonel.

3. Don Peter Favrot, lieutenant colonel, and captain of grenadiers, with a royal permission for two years.

4. Don Manuel Panzos, captain.

5. Don Francis Rivas, captain.

6. Don Joseph Barmonde, captain.

7. Don William Dupare, captain.

8. Don Lewis Tudice, lieutenant, with the grade of captain.

9. Don Stephen Lamorandier, lieutenant, with the grade of captain.

10. Don Charles Morant, adjutant general of militia.

11. Don Charles de Villiers, first lieutenant of militia, with a royal permission for three years.

12. Don John Vives, first lieutenant of militia, with a royal permission for three years.

13. Don Peter Faillon, second lieutenant of militia.

14. Don Joseph Piernas, second lieutenant of militia.

15. Don Manuel Soilleau, second lieutenat of militia.

16. Don James Fernandez, second lieutenant of militia.

17. Don Silvestre, second lieutenant of milit ia

18. Don Henry Darcancel, officer of administration.

NOTE.—By a particular favor of His Majesty, the widows of the persons employed, who are enjoying of pensions, though they are unable to go to Pensacola, are the following:

1. Donna Marquisite Waths, widow of the Brigadier Don Manuel Gayoso de Lemos, late Governor of this province.
2. Mrs. Villemont.
3. Mrs. Bouligny.
4. Mrs. Panis.
5. The Baroness de Brouner.
6. Mrs. Trevino.
7. Mrs. Causat.
8. Donna François Trudeau.
9. Mrs. Zespedes.

NOTE.—There was a small number of retired sergeants and privates who are to go to Baton Rouge or Pensacola.

A. L. ARMESTO.

I do certify the above translation.

M. LISLEY, *Interpreter.*

NEW ORLEANS, *July* 30, 1805.

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120 MILES FROM NEW ORLEANS,
August 26, 1805.

SIR: The report of the retrocession to Spain, of the country west of the Mississippi, had also prevailed in New Orleans.

The evening prior to my departure, being on a visit to the Marquis of Casa Calvo, I asked him if he knew upon what authority that report was circulated; he answered in the negative, and added, that he had understood the negotiation was suspended, and that Mr. Monroe had left Madrid; he further said, that the Minister of State (Cevallos) had informed him, the Marquis, that the desire of the Court of Spain was to make "the Mississippi river the boundary, and in time it was expected that that object would be attained." The Marquis delivers himself in the French language. From my imperfect knowledge of French, it is probable I may have misunderstood some of his expressions, but I am sure I have given you the substance of what he said. The prospect of a retrocession of the west bank of the Mississippi, now is, and has always been, the theme of the Spanish officers who remain in this territory, and many citizens seem to view it as an event likely to happen—an impression which I greatly regret, since it tends to lessen their confidence in the American Government, and to cherish a Spanish party among us. Next, therefore, to a final adjustment of limits with the Spanish Government, I most desire to see every Spanish officer removed from the ceded territory. There certainly must be a power somewhere vested, to cause to be executed the clause in the treaty which directs "the Spanish forces to be withdrawn, within three months, from the ceded territory," and I should indeed be pleased to have it hinted to me, that, in my character as Commissioner or Governor, I could, on this occasion, take, if necessary, compulsory measures.

I have the honor to be, sir, very respectfully, your humble servant,

WM. C. C. CLAIBORNE.

Hon. JAMES MADISON,
Secretary of State.

Extract of a letter from Governor Claiborne to the Secretary of State, dated

NEW ORLEANS, *October* 24, 1805.

SIR: I am sorry to inform you of the embarrassments to which the citizens of the United States are subjected who navigate the Mobile river. All American vessels passing by the town of Mobile are brought to, and a duty of —— per cent. exacted both on imports and exports. These duties are even required on articles passing to and from the garrisons and factories of the United States. I have addressed, on this occasion, a letter to Mr. Morales, by whom, it is said, this proceeding was authorized; but in his answer, which was this morning received, he professes to be unacquainted with the particulars, and declines any interference until he should advise upon the subject with the Governor of West Florida.

I have certain information of the arrival at Pensacola of four hundred troops from Havana, and that a much larger number is daily expected. I also learn from a source entitled to credit, that three hundred men are ordered from Pensacola to Baton Rouge, and that eight hundred Spanish troops have lately been posted on the frontier of the Province of Texas. It is a fact known to me, that a Spanish agent has contracted with a merchant of this city, for the delivery at the town of Mobile, of four thousand barrels of flour; and that this same agent not being able to effect a contract for the delivery of four thousand pair of shoes at Mobile, has purchased a quantity of leather. The Marquis of Casa Calvo being absent from this city, it is my intention to require of Governor Folch an explanation of the object of these military movements. I flatter myself that hostilities between the United States and Spain may be avoided, and that an honorable adjustment of our differences may ensue. But I am inclined to think that the Spanish agents calculate on a speedy rupture, and are making all the preparations which their means permit, to commence the war in this quarter to advantage. New Orleans would, unquestionably, be the first object of attack; and with a view to its security, I should be pleased to see Fort St. John repaired, and put in a state of defence; that fort commands the mouth of the Bayou St. John, and, if strengthened, would present a great impediment to the passage of troops from Pensacola and Mobile by the way of the lakes to this city; the works are in ruins, but might readily be repaired and made defensible without any considerable expenditure.

Extract of a letter from Harry Toulmin, Esq., Judge in the Mississippi Territory, to the Secretary of State, dated

JULY 6, 1805.

"You are informed, no doubt, that all the vessels to and from this country, even though bound

to Fort Stoddert, and clearing out from Fort Stoddert, are obliged to come to at Mobile, and to pay twelve per centum ad valorem on their cargoes, according to the estimate of the Spanish officers.

"Such an exaction as this, you may well conceive, must be ruinous to this country, and is, moreover, the source of perpetual heart-burnings and contention between our citizens and the subjects of His Catholic Majesty.

"There are two vessels, which have lately undertaken, as I am told, to pass without calling at Mobile, from this country, laden with cotton. I cannot but anticipate unpleasant consequences, but will inform you of the result when acquainted with it."

Extract from the same to the same.

AUGUST 8, 1805.

"I mentioned to you in a letter some time since, that I understood that a vessel then lying in the river was about to pass the Mobile without calling. Captain Schuyler, who is just now from Orleans, tells me that she passed Mobile in the night; that the Spaniards were exceedingly irritated, and threatened to imprison the owner of the cargo on his return from Orleans, and to confiscate the vessel, if she ever appeared there again. They also talked of building a gunboat for the purpose of compelling vessels to stop."

Extract from the same to the same.

OCTOBER 11, 1805.

"Duties are still rigorously insisted upon at Mobile, cargoes unladed and inventories taken of them, in order to ascertain the duties to be paid. The schooner Cato, which went down the river without calling, is still detained, and will probably be confiscated, if not her cargo. I could not even get a few articles belonging to the United States from on board of her, which I had been requested to apply for when there, in behalf of Mr. Dinsmoor and Mr. Chambers. If they continue their exactions, this country must inevitably be ruined. I mean that the settlements will be abandoned. Many are now preparing to go; some, probably for other reasons, but the greater part, I believe, on this account. And most who go, will become subjects of the Spanish Government."

The Governor of Mississippi Territory to the Secretary of State.

MISSISSIPPI TERRITORY,
Town of Washington, Sept. 14, 1805.

SIR: The enclosed affidavits, marked No. 1 to 11 inclusive, will inform you of some outrages committed within this Territory by two Spanish parties. The letters marked No. 1 to 5, and an order to Colonel Ellis, will inform you of the steps which I have thought it advisable to take. The messenger with my letter to Governor Grand Pré has not returned, although he was requested, and undertook to be back by this morning. I have not received any answer to my despatch to you on this subject of the 14th June.

If, sir, I am to risk anything on this occasion, it shall be in defence of the liberties and the property of the citizens, and in support of the honor and independence of my Government; and I hope the measures taken and advised by me, will not be found adverse to the views of the Executive or to the interest of the United States.

I am, with respect, yours,

ROBERT WILLIAMS.

HON. JAMES MADISON, *Sec. State.*

AFFIDAVIT, No. 1.

Mississippi Territory, Wilkinson County:

Personally appeared before me, one of the justices of the peace for said county, Arthur Cobb, jun., and being duly sworn, according to law, on his oath deposeth that, on the night of the 3d of September, 1805, being at the house of Samuel Kemper, or otherwise the tavern of the Kempers, between the hours of eleven and twelve, he wakened from his sleep by the cry of murder and robbers. On leaving his bed, he saw a man in actual contest with Samuel Kemper; on proceeding further, he saw another man, and afterwards one more, and all being armed with instruments of death, such as guns and pistols, he thought proper to retreat to call assistance; that afterwards a pistol was found, which must have belonged to one of those men, and from every appearance, he believed it to belong to Ira Cook Kneeland.

ARTHUR COBB, Jr.

Subscribed and sworn to before me, this 3d day September, JOSHUA BAKER, *J. P.*

AFFIDAVIT, No. 2.

Likewise, as sheet No 1, appeared William Westbery, and deposeth, that, at the same time, being awakened from his sleep by the breaking open the door—that on rising he saw, he thinks, five men, in the act of beating with a stick, Samuel Kemper, of the town of Pinckneyville—that he saw them drag him by the hands, heard the men give orders to tie his hands with a rope—that said Samuel Kemper gave the cry of murder, and that was the last he saw or heard of them.

WILLIAM WESTBERY.

Subscribed and sworn before me, this 3d day of September. JOSHUA BAKER, *J. P.*

AFFIDAVIT, No. 3.

Likewise, at the same time appeared before me, James Latta, who deposeth on oath, that, at the same hour, being just awakened by some man requesting to see Samuel Kemper, he heard them ask for whiskey, and being asked who he was, said, a friend; that they then, being in the house, broke open the door of said Kemper's private lodging room; that he, Latta, attempting to rise, was thrown back on the bed by two men, who said they would take his life if he spoke; that there appeared to be five men in number, and all disguised in black paint; that after some short

time he got an opportunity of escaping, when he went for assistance, and before his return they had borne off the said Samuel Kemper, and he saw them no more. JAMES LATTA.

Subscribed and sworn before me, this 3d day of September. JOSHUA BAKER, *J. P.*

AFFIDAVIT, No. 4.

Wilkinson County, Mississippi Territory:

Personally appeared before me, one of the justices of the peace for said county, John Atkinson, Henry Gamheart, Richard Richardson, and John Whitaker, who, being duly sworn, according to law, on their oaths depose, that, on the night of the 3d September, 1805, being at the house of Nathan Kemper, in the vicinity of Pinckneyville, between the hours of eleven and twelve, they heard some person hail the house, and, on being asked two or three times who they were, they steadfastly affirmed it was Captain Abrams. Immediately afterwards they opened the door, which swung on the inside of the house and was fastened by a string on the inside. Immediately on this, Reuben Kemper appeared to be only at that moment awaked from his sleep, asked who was there? when they immediately seized him, dragged him out of the house and tied him, after bruising him very much with a club or clubs.

Almost at the same time, they dragged Nathan Kemper from the bed wherein he lay with his wife, and tied him also, but did not beat him as much as they did Reuben. Said Nathan Kemper requesting to see his wife, was refused in very rough language; she likewise was refused in her request of seeing her husband. On Nathan Kemper's asking what they had done to deserve such treatment, was answered, "God damn, you have ruined our country!" which he, Atkinson, believes to be the American territories of Spain. That the said Nathan Kemper's wife received considerable injury from the violence of these men, who all appeared armed with guns, pistols, or clubs. That in the act of confining the above two men, they cocked and uncocked their guns a great many times, and ordered every man in the house to tell his name, and kept a strict guard at both the doors of the house, and would not admit of any one of the family, or any one that did not belong to their party, passing and repassing, as they frequently presented their guns cocked, and said they would blow the first one through who attempted to oppose them. That they then gave a regular military word, forward march, and at the second word of command they proceeded on their way, and bore off both Reuben and Nathan Kemper.

The next morning they saw a considerable quantity of blood, apparently issuing from the wounds of Reuben Kemper.

JOHN ATKINSON,
HENRY GAMHEART,
RICHARD RICHARDSON,
JOHN WHITAKER.

Subscribed and sworn to before me, third day of September. JOSHUA BAKER, *J. P.*

AFFIDAVIT, No. 5.

Territory of Orleans, County of Point Coupée: SEPTEMBER 5, 1805.

On this day appeared before me, Ebenezer Cooley, a justice of the peace for the county of Point Coupée, Nathan Kemper, who being duly sworn, declared that, on the night of the third instant, as he believed, between the hours of eleven and twelve, the doors of his house were forced open by a party of armed men, amounting, as well as he could ascertain, to the number of eighteen or twenty; that, as soon as the party had entered, they cried surrender; seized his brother Reuben, and dragged him out at the door; after a struggle, during which they had beat him with a club, and so choked him that he had barely power to say, "I surrender!" During this time, a part of the same party seized the deponent by different parts of the body and dragged him from his bed, where he lay with his wife and child, out through the door; after which, he heard some of the party who remained in the house cry out, "If the bitch utters another word, put her to death!" Whereupon, he heard a blow given at the bed, and though he frequently called to his wife, to know if she was still alive, could get no answer. After the deponent and his brother Reuben had been fast bound, they were conducted along the road leading to Hinckneyville, as far as the plantation of Mr. Abraham Horton, being still within the limits of the Mississippi Territory; and thence down the main road leading towards the line of demarcation. At some small distance above the line they were conducted a short way into the woods, where they halted a considerable time, until he heard a detachment of the same party coming along the main road, to which, they were again led back from the wood, and discovered their brother, Samuel Kemper, in the custody of the said detachment. From thence, they were conveyed across the line of demarcation, and delivered to Captain Solomon Alston, by whose party they were put on board a pirougue, at Tunica landing, under a guard of six armed men, who said their orders were to take them to Baton Rouge, and there deliver them at the fort. From Tunica, they departed about daybreak, and as they passed along by the shore of Point Coupée, called out that they were American citizens, and clandestinely taken from their habitations within the Mississippi Territory. After which, they were rescued by Lieutenant Wilson, commandant of the garrison at Point Coupée. The deponent further says, that, among those who surrounded his house, he recognised the following persons: Minor Butler, and his brother-in-law Ritchie, Abraham Horton, and several of said Horton's negroes, all inhabitants of the Mississippi Territory. NATHAN KEMPER.

Sworn before me this 5th day of December, 1805. EBENEZER COOLEY. *J. P.*

AFFIDAVIT, No. 6.

Territory of Orleans, County of Point Coupée: SEPTEMBER 5, 1805.

On this day appeared before me, Ebenezer Cooley

Justice of the Peace for the county of Point Coupée, Samuel Kemper, who, being duly sworn, declared, that on the night of the 3d instant, about the hour of twelve, as he believed, being at his house in the town of Pinckneyville, in the Mississippi Territory, he heard a knocking at the door, and asked who was there? An answer was made, which he did not understand, and the outer door burst open. The door of the bedroom was then forced, and a blow made at the bed with a double-barrelled gun. Deponent was then seized, and dragged out of the bed by a number of men, who drew him into the room which they first entered, and from thence, after a struggle, into the street. He was then thrown on the ground, and a rope was tied round his neck, by which he was dragged about one hundred and fifty yards. He was then suffered to stand upright, and attempted, by crying out, to give an alarm, upon which he received a stroke of a pistol on the head, by which he was stunned. The rope being removed from his neck to his arm, he was compelled to run for the space of about a quarter of a mile, after which he was forced to get up behind a man on horseback; a negro, who ran on foot, still holding the rope by which his wrist was tied. He was then led along the main road across the line, and delivered to a party of men, who conducted him to the landing of Bayou Tunica. Then he was put on board a pirogue, with his two brothers, Reuben and Nathan Kemper, and conducted down the river towards Baton Rouge. When opposite Point Coupée they gave the alarm, and were received by Lieutenant Wilson, commandant of the garrison of Point Coupée.

SAMUEL KEMPER.

Sworn before me, this 5th of September, 1805.

EBENEZER COOLEY, *J. P.*

AFFIDAVIT, No. 7.

Territory of Orleans, County of Point Coupée:

SEPTEMBER 5, 1805.

On this day appeared before me, Ebenezer Cooley, Justice of the Peace for the county of Point Coupée, Reuben Kemper, who, being duly sworn, declares, that, on the night of the third instant, about the hour of twelve, being at the house of Nathan Kemper, within about two miles of Pinckneyville, within the limits of the Mississippi Territory, the house was surrounded, and the doors thereof forced open, by a party consisting of at least nineteen persons, whereof some were negroes, and some were white men in disguise. That, among the latter, he recognised and personally knew the following persons: Louis Ritchie, Minor Butler, Abraham Horton, James Horton, and two others, whose names he did not recollect, but expected soon to be able to ascertain, all of whom are inhabitants of the Mississippi Territory; and Marcus Carr, Jas. Say, Philip Say, and others, residing within the Spanish lines. Of the negroes, whose number amounted to seven, at least three, whose names are William or Bill, Nat, and Moses, and others, whose names he did not recollect, he knew to be the property of the above-mentioned Abraham Horton. That the said party, all of whom were well armed, after having forced their way into the house, violently forced him from his bedroom, after a struggle of about fifteen minutes, during which he received several violent blows on the head and face; and, after having torn off his shirt and tied him with cords, forced him over the line into the Spanish territory, where they delivered him up, with his two brothers, Nathan and Samuel Kemper, bound in the same manner, to Solomon Alston, who commanded a large party of armed men. That said Alston received them within ten or fifteen feet of the line, on the Spanish side; that from thence they were conveyed to the Bayou of Tunica landing, bound, as already mentioned, and nearly naked, where they were put on board a pirogue, and there tied all three together, by orders of said Alston. That said pirogue was commanded by William Barker, and manned by Charles Stewart, Adam Bingaman, John Ratcliff, George Rowe, and John Morris; that they departed from the Bayou Tunica for Baton Rouge, at day-break, where said William Barker had orders to deliver the prisoners up to Governor Grand Pré. That, as they passed along the shore of Point Coupée, the prisoners found means to declare their situation to Doctor Powles, who immediately gave information thereof to Lieutenant Wilson, commandant of the garrison at Point Coupée. That Lieutenant Wilson immediately manned his boat, boarded the pirogue, and took the prisoners, with those who conducted them, into custody, about the hour of twelve the same day.

REUBEN KEMPER.

Sworn before me, this 5th September, 1805.

EBENEZER COOLEY, *J. P.*

AFFIDAVIT, No. 8.

Territory of Orleans, County of Point Coupée:

SEPTEMBER 5, 1805.

On this day appeared before me, Ebenezer Cooley, Justice of the Peace for the county of Point Coupée, Adam Bingaman, who, being duly sworn, declared, that, on the night of the 3d instant, at a very late hour, he was one of a party commanded by a Captain Alston, and stationed within a few yards of the line of demarcation, at the Spanish side, for the purpose, as declared by Captain Alston, of seizing the Kempers, who were expected to come from the American territory. That, at the distance of about fifty yards above the line, he saw a party approach, who were hailed by Captain Alston, to whom they delivered three prisoners. The party, to which deponent belonged, was then ordered by Captain Alston to conduct the prisoners to Bayou Tunica, where the prisoners were put on board a pirogue, and ordered off for Baton Rouge, at about day-break on the 4th. That, as they were passing opposite the post at Point Coupée, their pirogue was boarded by Lieutenant Wilson, with a party of his men, who took the prisoners and their conductors into custody.

ADAM BINGAMAN.

Done before me,

EBENEZER COOLEY, *J. P.*

AFFIDAVIT, No. 9.

Territory of Orleans, County of Point Coupée:

SEPTEMBER 5, 1805.

On this day appeared before me, Ebenezer Cooley, Justice of the Peace for the county of Point Coupée, William Barker, who, being duly sworn, deposed and declared:

That, on the night of the 3d instant, he was one of a party of militia commanded by Captain Alston, which party was stationed for about two hours within a few paces of the line of demarcation, on the Spanish side. That they heard a noise which was made a short distance above the line, and soon after saw a party cross the line, who delivered to Captain Alston three prisoners, whose names were Reuben, Nathan, and Samuel Kemper. Captain Alston ordered the prisoners to be immediately conducted to the Bayou Tunica, where they were put into a pirogue, to be conveyed to Baton Rouge; that deponent was commanded by Captain Alston to keep a strict watch on them, and to give them no opportunity of escaping until he should deliver them at the fort of Baton Rouge; that, as deponent was passing opposite the garrison of Point Coupée, his pirogue was taken by a superior force commanded by Lieutenant Wilson, commandant of the garrison of Point Coupée, who took into custody the prisoners and the party by whom they were conducted.

WILLIAM BARKER.

Sworn before me this 5th day of September, 1805,

EBENEZER COOLEY,
Justice of the Peace.

AFFIDAVIT, No. 10.

Mississippi Territory, ss:

Be it remembered, that William Flanagan, jr., of Wilkinson county, in said Territory, personally appeared before the undersigned, one of the superior judges for said Territory, and being of lawful age, upon his oath deposeth and saith, that Lieutenant Glascock and a party of twelve light horse, being a part of Captain Jones's company or squadron of Spanish light horse, on the afternoon of the 21st day of August last, came over the line of demarcation to this deponent's house, which is on the Tiehfau creek, about two miles above the line, and took him and his wife and carried them about five miles below the line, and kept them under guard all night, and next morning dismissed his wife, who was taken home by her brother, who had been sent out after them by her father. That after she was dismissed, they carried this deponent fifteen miles further, and told him he must go to jail or give up his horse. He refused to give up his horse, till they cocked their guns and pistols all round him, there being eight of them then present, and said he must pay them their expenses, give up his horse, or go to jail. He replied that he had rather lose his horse than go to jail. Whereupon they took his horse, bridle, and saddle, and dismissed him, and he returned home on foot. The names of the men who composed said party of eight horse were, John Glascock Lieutenant, Benjamin Le Near, also an officer, Abraham Jones, son of the Captain, Kennady, William Lee, John Bates, —— Hale, Obiel Brewer, —— Connor, and the names of the others he does not recollect; and further says that most of the party were formerly American refugees, who fled to the Spanish country, and further saith not.

WILLIAM FLANAGAN,
his X mark.

Taken this seventh day of September, 1805, at the town of Washington, in the Territory aforesaid, before

THOMAS RODNEY.

NOTE.—The within deponent, Thomas Holden, says, that it was reported that William Flanagan, sr., had killed a certain John Sharp, as within mentioned, and had fled from the Spanish part of the country, and that his wife, after he had fled, also left the country, and brought their stock and goods above the line, and left them in the care of William Flanagan, jr., who is nephew to William Flanagan, sr., and son-in-law to said Thomas Holden, and that this was the only pretext the Spanish light horse had for coming above the line and behaving as they did.

THOMAS RODNEY.

AFFIDAVIT, No. 11.

Mississippi Territory, ss:

Be it remembered, that Thomas Holden, sr., of the county of Wilkinson, in said Territory, personally appeared before the undersigned, one of the superior judges of said Territory, and being sworn, deposeth and saith, that he lives in said county, on the Tiehfau, about half a mile above the line of demarcation, upon land which he claims by pre-emption, and now cultivates; that on the afternoon of the 21st day of August last, Lieutenant John Glascock and twelve men of the Spanish light horse, part of Captain Jones's company, or squadron of West Florida, came over the line of demarcation to this deponent's house, and inquired for William Flanagan, sr., who had lived about seven miles below the line, in the Spanish territory, and, as they said, had killed a certain Joseph Sharp, also a Spanish subject, and said they were in pursuit of said Flanagan, and inquired of this deponent if he had seen Flanagan, or if he knew where he was. This deponent replied, that he had not seen him for six months, but heard that Flanagan and his family had gone up the Bayou Pierre. When said company came up, this deponent was sitting on his fence, about fifty yards from his house, and after what had passed, as before related, an officer among them, by the name of Le Near, ordered this deponent to go to his own house, saying that he should put him and his family under guard. To which this deponent replied, that he would not be put under guard by him unless he had authority from the United States or the officers of this Territory to do so. Whereupon the officer drew his sword, or dirk, and threatened to run

this deponent through in an instant if he did not submit. Then one of the company cocked his pistol, but said nothing. Then Glascock came up with a rifle in his hand, and ordered this deponent to go along instantly, or he would make him. This deponent replied, that he would not go; that they had no business above the line, and ordered them to go below, where they belonged. Le Near replied to this, that his authority was above the line as well as below. Damn the line, he did not regard it, and other words to that purpose. After this, the party went off, and left this deponent. But before they went off, two of this deponent's sons came up, and he told them what had passed, and ordered them to go to the house and get the guns, and they would kill all the damned Spaniards, for they had no business above the line; and upon saying this the party left him. And he further saith not.

THOMAS HOLDEN, Sr.

Taken this 7th day of September, 1805, at the town of Washington, in said Territory, before

THOMAS BROWN.

No. 1.

Governor of the Mississippi Territory to his Excellency Charles de Grand Pré.

TOWN OF WASHINGTON,
Mississippi Territory, Sept. 6, 1805.

SIR: I was informed that a number of armed men, subjects of the King of Spain, on the 3d instant, entered this Territory, in the neighborhood of Pinckneyville, and there with force and violence seized three persons by the name of Kemper, abused them in an inhuman manner, tied and carried them into your territory, and threatened considerable outrages to others in the same neighborhood. This conduct, sir, does not comport with that good understanding and friendly disposition supposed to exist between our Governments. Neither is such conduct to be tolerated by a Government which is influenced in all its relations with others by a regard to justice and national faith, especially one so ample in resources to do justice to itself, and to command respect from others, as the United States.

This letter, sir, is despatched to you by a special messenger, in order that your Excellency may be speedily advised of this unaccountable transaction, and provide against similar outrages and their consequences; as also to afford me some explanation of the one which has given rise to this letter. I am, with great respect, &c.

R. WILLIAMS.

No. 2.

Lieutenant Wilson to Governor Williams.

POINT COUPEE, *Sept.* 5, 1806.

SIR: I conceive it to be my duty to give you a statement respecting the rescue of the Kempers from a party of Spanish subjects. Information was given to me that Kemper and several Americans were taken by force of arms from their residence at Pinckneyville, by a party of Spanish subjects, and were on their way to Baton Rouge. I immediately manned the boat, and took the Kempers, Reuben, Nathan, and Samuel, together with the guard, prisoners, who I have in confinement, and shall keep them so until I receive orders from the proper authority for their release. I have had taken the depositions of the Kempers, and two of their guards, which I enclose you. My force is weak, and I expect an attack from the other side of the river. I shall, however, give them as hearty reception as the situation of my force will admit of. As Governor Claiborne is, I presume, with you, I hope you will consult with him, and let me know as speedily as possible what is to be done. I have wrote Captain Sparks, at Fort Adams, to send a reinforcement, as I think the good of the service really requires it.

I have the honor, &c.,

WILLIAM WILSON,
Lieutenant Commandant.

No. 3.

Captain Sparks to the Governor of the Mississippi Territory.

FORT ADAMS, *Sept.* 7, 1805.

SIR: I have the honor to forward you despatches from Captain Wilson, at Point Coupée. If it should be your wish to have the party therein referred to taken to this place, to be delivered over to the civil authority, the command of one subaltern and twenty-five men I have sent from this post to reinforce Captain Wilson will be instructed to execute it. I am, &c.,

R. SPARKS,
Captain Commandant.

No. 4.

The Governor of the Mississippi Territory to Lieutenant Wilson, commandant at Point Coupée.

WASHINGTON, MISSISSIPPI TERRITORY,
September 9, 1805.

SIR: I this moment received your despatch, dated the 5th instant, informing me of your having taken and confined a Spanish party, which had on the night of the third instant forcibly taken from this Territory the three Kempers, whom the party had in their possession when you took them. Your conduct, sir, on this occasion, merits approbation, so far as I am informed of it.

I request that you will, with all possible despatch, have conveyed to this Territory the whole of the offending party, to be delivered over to the civil authority; also the Kempers. I request you will deliver them at Fort Adams, where further orders will remain. Captain Sparks has informed me the reinforcement he sent you will act also as a guard for the above purpose.

I enclose, for your information, the copy of an order which I have this day issued in consequence of these outrages, and others committed on the line eastwardly from Pinckneyville.

I am, &c.

ROBERT WILLIAMS.

No. 5.

The Governor of the Mississippi Territory to Captain Sparks, commanding at Fort Adams.

NATCHEZ, *September* 9, 1805,
Ten o'clock at night.

SIR: As I was starting from Washington to this place, I received your letter of the 7th instant, with a despatch from Captain Wilson.

My answer to Captain Wilson I have sent open for your perusal, which I pray you to forward immediately.

I request that you will retain and safely keep under military authority the party that may be sent to you, agreeably to my directions to Captain Wilson, until they are received by the civil authority. Accept my hearty approbation of your and Captain Wilson's attention on this occasion.

I am, &c.

ROBERT WILLIAMS.

No. 6.

The Governor of the Mississippi Territory's orders to Colonel Ellis, of the 5th regiment of the militia of said Territory.

HEAD QUARTERS, WASHINGTON,
MISSISSIPPI TERRITORY,
September 9, 1805.

SIR: You will, on the receipt of this order, immediately assemble from your regiment the following detachment for duty, viz: two captains. two lieutenants, two ensigns, eight sergeants, eight corporals, two drummers, or bugle-horsemen, and eighty-two privates, to compose two equal companies. They are to be well armed, and supplied with twelve rounds of ammunition per man. Not having the state of your regiment by actual return, it must rest with yourself from which battallion you are to detach them. This detachment is to act as a patrol near and along the line of demarcation, to prevent or check irregularities of every kind. They are to rendezvous at Pinckneyville, from whence they will be detached to their different posts. As soon as they are assembled, a return of them will be made, naming the commissioned officers, and reporting the strength and the state of arms, &c., and forward to the inspector at this place, when you will receive further orders. In the mean time, the detachments will be active as patrols, examining all equivocal characters passing the line below, and especially if by night, stopping and securing any armed parties improperly passing the lines, as in some late instances; and, in short, affording all proper protection in their power to the citizens of the United States and their property. The better to effect this, one captain, and his command, will be detached to the eastern part of the line to be guarded, and take post on or near the Tiehfau, from whence the communication must be kept up to meet the patrol detached from post near the west end of the line.

Every occurrence worthy of note can and must be communicated in this way to the senior captain, whose post will be in or near Pinckneyville; and who will report either direct to head-quarters, or to the inspector's office. Should any hostile attempt be made. either on the citizens, property, or the detachment on duty, force must be repelled with force.

R. WILLIAMS.

Extract of a letter from Robert Williams, Esq., Governor of the Mississippi Territory, to the Secretary of State.

MISSISSIPPI TERRITORY,
Washington, Oct. 1, 1805.

By my communication of the 14th ultimo, you were informed of some ontrages committed within this Territory, near the Spanish line, and of the steps I had taken in relation thereto.

I now have the honor to enclose, for your further information, Governor Grand Pré's letter in answer to mine of ths 6th ultimo, and my reply to him, marked and numbered 1 and 2; also the documents marked 1, 2, and 3, which will inform you of the further steps taken in this affair.

The military patrol which I ordered out on the line were organized and disbanded, on holding themselves in readiness, and places appointed to rendezvous under a standing order to the officers commanding, to check any disorders that might appear.

I have the satisfaction to inform you that things in that quarter have become very quiet and settled, which I believe would not have been the case but for the measures which were pursued.

Some of our citizens were concerned in this business, and are bound over to court for prosecution.

[Enclosures accompanying the above.]

Governor Grand Pré to Governor Williams.

BATON ROUGE, *Sept.* 9, 1805.

MY DEAR SIR: I have received your letter, dated the 6th instant, relative to the extraordinary event that happened at Pinckneyville, on the 3d instant, viz: the assault on the three brothers, Kempers, by persons unknown, and disguised, it is said, in black, who conducted them on that part of the Territory which it has pleased His Majesty to commit to my charge. The occurrence is singular, and of which I had no information till the night between the 7th and 8th, by one of the commanders of the patrols, who, since the inroads committed by that turbulent banditti, headed by the Kempers, have been stationed near the frontiers and within the interior settlement of Feliciana. The first gave me information under date of the 5th, that, by night, he met with a party of men disguised and armed, who were conducting three others, whom they immediately abandoned, and retired with precipitation the same way which they appeared to have come, without uttering a single word; his first care was to secure the persons of the three men, whom he found to be the Kempers, and immediately had them conducted to Bayou Tunica, there to be embarked under an escort, and delivered at my disposal; he added that, on the way, the escort was stopped by

actual force, on the river, very near the eastern shore, by Captain Wilson, military commandant at Point Coupée, where it is said the escort is detained, and also the Kempers. The commander of the patrol also declares that it was impossible for him to know any one of the persons who brought and abandoned the said Kempers, owing to the obscurity of the night, their disguise, and their very prompt departure.

This is all the information I have as yet, but have despatched an express to procure a more ample knowledge respecting this strange and mysterious violation.

It is not necessary, I flatter myself, that I should express what pains our Government has taken, and how unceasingly scrupulous it has been to maintain and constantly to preserve with that of the United States that good understanding and harmony, which it ought to be impossible for a few intriguing perfidious adventurers, thirsting after revenge for private animosities, to interrupt. Of this I hope your Excellency is fully convinced, and upon this principle you will approve the efficacious measures I am about to take for the extirpation of this disorder, which has risen to its full height on the territory of this Government—disorder, confusion, violations, outrages, plunder, insult to the magistrate; dragging him by a rope round his neck; attempts on the flag of the King my master, and now the violation committed with the Kempers, (authors of all the above mentioned,) on the Government of your Excellency.

After this explicit narrative, I hope your Excellency will make the necessary dispositions for the return of the inhabitants who were escorting the three prisoners, as they are absolute strangers to all the circumstances of this business. I claim them from your Excellency's justice, considering their detention as illegal, as also that of the prisoners they were conducting, these having been taken within this Territory, where a most singular event had brought them, and I cannot imagine what could have been the design of the authors of this plot; saving, however, for a subsequent determination respecting the legality of a capture made under such singular circumstances.

I have the honor to be,

CHARLES DE GRAND PRE.

Most Excellent R. WILLIAMS.

Governor Williams to Governor Grand Pré, in answer.

WASHINGTON, *Sept.* 30, 1805.

SIR: Your letter of the 9th instant, in answer to mine of the 6th, I received some days ago; but the equivocal manner with which you treated the subject of my letter afforded little or no information, and rendered it expedient to delay an answer until I should obtain such information relative thereto as would enable me to treat the subject with that candor which our respective situations require, and the interest and honor of our Governments demand.

Previous to the receipt of your letter, I understood that the three Kempers were retaken by Lieutenant Wilson, near Point Coupée, where they, together with the Spanish guard, were detained. I gave orders for the removal of them and their escort to Fort Adams, within this Territory. They have all been delivered over to the civil authority for examination, as to their supposed offences committed within this Territory, or that might be cognizable by the civil authority thereof; and I now have the honor to inform you, that the outrages which were the subject of my letter to you of the 6th instant, appear to have been committed by citizens of the United States, in combination with the subjects of Spain, residing within the jurisdiction of our respective Governments, all of whom are liable to be punished under the authority and laws of the United States and of this Territory. It also appears that the six persons, subjects of Spain, composing the escort, to wit: William Barker, Charles Stewart, John Morris, John Ratcliff, George Row, and Adam Bingaman, were accessories and confederates with the offending party, and might have been legally treated as such by this Government; but being desirous to keep alive and promote that harmony and good understanding between the Government of the United States and that of His Catholic Majesty, and also because, from the sceptical style of your letter, it is not clear whether the act was authorized, I have caused those six men, composing the escort, to be liberated, and safely conducted to the territory possessed by His Catholic Majesty. The Kempers, of whom your Excellency complains as having been the original authors of these outrages, I have caused to be bound to their good behaviour, and to keep the peace towards your Government, its subjects, &c.

It is also proper I should inform your Excellency, that, in a few days after the date of my letter of the 6th instant to you, I received information that, some days before, a party of twelve men, armed, commanded by Lieutenant Glascock, part of Captain Jones's company of Spanish light-horse, entered this Territory in the neighborhood of Tiehfau creek, and there threatened considerable abuse of some of the inhabitants; seized and carried by force, from their house of dwelling, a man by the name of William Flanagan, jr., and his wife, into the territory possessed by His Catholic Majesty, whom they detained a considerable time, and, on their releasement, took and kept a horse, bridle, and saddle, belonging to the said Flanagan, and which I am informed have been since sold under the orders of an officer of your Government. I request your Excellency will inquire into this affair, and give me an answer as soon as convenient.

I trust the lenient measures which I have caused to be pursued upon this occasion will be duly appreciated, and attributed to the proper motives; and that your Excellency will unite with me in adopting such measures as will prevent similar occurrences in future.

Your Excellency demands of me the three Kempers as your prisoners, taken, as you say, "within this jurisdiction, where the most singular event had brought them." Permit me, sir, without criticising on the merits of this demand, which it is so

susceptible of, to barely suggest, as a reason for my non-compliance, the consequences which would necessarily flow from a compliance with demands made under such circumstances, and founded on transactions of this kind.

I have the honor to be, &c.

ROBERT WILLIAMS.

His Exc'y CHAS. DE GRAND PRE.

WASHINGTON, *Sept.* 23, 1805.

SIR: Finding you had left this when I returned from Natchez, Mr. Shields follows with my orders to Captain Sparks. commanding at the fort. Enclosed is a copy of my letter to him, indicative of the wish of the Executive of this Territory on the occasion, which I trust will be compatible with the civil authority.

I am, &c.

ROBERT WILLIAMS.

Judge RODNEY.

WASHINGTON, *Sept.* 23, 1805.

SIR: I have received your letter of the 20th instant, informing me of the arrival of the prisoners from Point Coupée, at Fort Adams.

I request that they may all be delivered over to Judge Rodney, or some justice of the peace, to be examined as to any offences they may have committed within the limits of this Territory, or that may be cognizable by the civil authority thereof.

The Spanish subjects, to the number of six, as I am informed, should they be discharged by the civil authority, I request that you will cause them to be escorted by a sufficient guard, to the line dividing this Territory from that possessed by His Catholic Majesty, there liberated, and suffered to pass into his jurisdiction.

As to the Kempers, I presume they will be dealt with as the law will authorize; and my hope is, that they may be bound to their good behaviour, and to keep the peace, as well towards the citizens of the United States as the subjects of His Catholic Majesty.

Accept my best respects, &c.

ROBERT WILLIAMS.

Capt. RICHARD SPARKS,
Military Commandant at Fort Adams.

TOWN OF WASHINGTON, *Sept.* 30, 1805.

DEAR SIR: On the 25th or 26th of this instant, I made examination into the truth of the outrage committed in this Territory, at and near Pinckneyville, on the night of the 3d of this instant, on the persons of Reuben, Nathan, and Samuel Kemper. This outrage appears to have been committed by a combination of persons, some residing above, and some below, the line of demarcation. Among them was a Doctor Bonner, a Henry Flower, son of Doctor Flower, and a Mr. McDermot, who were active above the line, and are said to reside below. The party, composed of twelve white men and seven negroes, first assaulted and broke the house of Nathan Kemper, and seized and tied him and his brother Reuben; then a part of them went to the house of Samuel Kemper, broke into his room, and took and tied him also; and the two parties met again near the line, and went in company on the high road till they got a few feet below the line, where Captain Alston, with a party of twelve men, lay in wait, and marched out of the bushes and took possession of the Kempers; at the instant, all the other party dispersed and run off. Alston and his party then conducted the Kempers down to Bayou Tunica landing, and put them on board of a boat, and ordered six of his men, to wit, William Barker, Charles Stewart, John Morris, John Ratcliff, George Rowe, and Adam Bingaman, to take them down to Baton Rouge. On their way down, when they got opposite the American garrison at Point Coupée, the boat was taken by Captain Wilson, the Kempers released, and the Spanish subjects made prisoners. It appearing, on examination of the Kempers, that the six persons last mentioned had not acted above the line, they were liberated, as will appear by a document I enclose. None of the Spanish subjects that were active in the outrage above the line were taken into custody; but if they had been in custody, they would have been detained for trial. And, indeed, it was so evident that the party below the line were acting confederate with those above, had they not been the subjects of a Government in amity with us, the six persons discharged might have been legally detained until due satisfaction was made. I was careful, however, to avoid anything that would in the least tend to violate the amity of the two nations, and therefore thought proper to liberate them, though I think our military officers fully justified in detaining them till legally discharged.

I am, respectfully, &c.

THOMAS RODNEY.

P. S. Justice Baker was also directed to require bail of Reuben, Nathan, and Samuel Kemper, respectively, to keep the peace, especially towards the subjects of the King of Spain, and to do no injury to any one below the line of demarcation.

T. R.

Documents relative to the detention of public buildings at New Orleans, &c.

Extracts of letters from General James Wilkinson to the Secretary of War.

NEW ORLEANS, *December* 27, 1803.

Our troops are not yet in quarters, but continue to occupy the redoubts which surround the town, under their tents, which has occasioned great discontent and produced much sickness; nor have we been able to get possession of a single storehouse or magazine for the reception of our tools, implements, stores, baggage, and provisions. I am now working on a partition of the barracks, to separate our troops from those of Spain, and hope I shall be able to get our men under cover tomorrow; but I am reduced to the painful necessity, after waiting thus long, to hire stores for the reception of our provisions, hospital stores, ammu-

nition, arms, and other articles, which expense should, in my judgment, be charged to the French Republic, and therefore a separate account wil be kept of it, and all other expenses which may accrue in consequence of the incomplete execution of the treaty.

NEW ORLEANS, *March* 2, 1804.

It pains me still to be obliged to write you from this place, but the causes which have prevented my departure still exist. The Prefect of France and the Spanish troops are still in town, and the magazines and store-houses still in their possession, while we are obliged to pay rent for our own accommodation. My patience is nearly exhausted, and I shall not be detained many days longer, unless something very unexpected should occur to make it my duty.

We have appearances of the Prefect's intention soon to depart, though they are contradicted by other circumstances. As to the Marquis de Casa Calvo, and the Spanish officers generally, they indicate no intention whatever of moving.

Governor Folch sailed three days since for Pensacola, but he was not accompanied by any troops; it is now said that they will follow him in a few days. Yet I suspect the Marquis de Casa Calvo will keep a detachment here for his accommodation.

You have, under cover, a list of guards, which the Spaniards mounted in the city yesterday, but you must not believe that this singular spectacle is permitted by my consent.

A return of guards mounted in New Orleans by the troops of Spain, March 24, 1804.

	Sergeants.	Corporals.	Privates.
1. Marquis de Casa Calvo	1	–	9
2. Governor Salcedo	1	–	9
3. Intendant Morales	–	1	6
4. Auditor - -	–	1	3
5. Magazine - -	–	1	6
6. Hospital - -	–	1	3
7. Dragoons of Mexico	–	1	3
	2	5	39

NEW ORLEANS, *April* 15, 1804.

I have the satisfaction to inform you that about three hundred Spanish troops embarked for Pensacola on the 8th instant, but I am informed that twelve or fifteen officers, and between sixty and one hundred men, will continue in this city.

They have delivered up the barracks, but occupy the hospital and several detached buildings.

The Prefect made his congé to our Commissioners on the 12th instant, but is still in town exercising his prefectorial and commissarial functions, yet I look daily for his embarcation.

The arrival of our ordnance stores from Fort Adams commenced a few days since, but we have as yet neither stores nor magazines for their reception, these being still occupied by the French and Spanish Governments.

NEW ORLEANS, *April* 25, 1804.

The Prefect of France embarked on the 21st instant. Yesterday the Commissioners of the United States took leave of the Commissioners of Spain, and I numbered twenty-five Spanish officers at the audience.

Extract of a letter from Lieutenant Colonel Constant Freeman to General Wilkinson, dated

NEW ORLEANS, *July* 14, 1804.

On the 9th instant, sir, the powder magazine, opposite to this city, was delivered to me.

Extract of a letter from General Wilkinson to the Secretary of War, dated

NEW ORLEANS, *Jan.* 16, 1804.

We did not until this day receive the orders of the French and Spanish Commissioners for the delivery of the posts in upper Louisiana.

Documents relative to the conduct of the Spaniards in Louisiana; establishment of new posts; reinforcements, and reports of a repossession of that country.

Extract of a letter from Captain Turner to General James Wilkinson, dated

NATCHITOCHES, *Aug.* 1, 1804.

Since I last wrote, nothing of much importance has transpired. Our neighbors still keep up that sort of conduct towards us, which a state of war alone would justify. Every person who goes from here is strictly examined and searched, and all letters found in their possession are broken open and perused with an expectation of finding them big with treason, stratagems, and crimes.

Copy of a letter from the same to the same, dated

NATCHITOCHES, *Oct.* 15, 1804.

The Spaniards are undoubtedly meditating mischief in this quarter; their emissaries have been at work among the Indians and negroes. The night before last, nine of the latter run off for Nacogdoches, who, it has been ascertained, have been persuaded so to do by a Spaniard, inhabitant of Nacogdoches, telling them that, on their arrival there, they would be made free. Upwards of thirty are at this moment known to have been in the plot of elopement; and intelligence of the extent and nature of the plan is momently coming to light. To-day it is discovered that four of the nine have returned, to rouse and stimulate their confederates and others who were not implicated; an Indian boy, who was in one of their cabins, gives the intelligence. He says those who returned were instilling into the others, that, since the plot has been discovered, it should stimulate them to be more determined, &c. &c. The whole district is in the most alarming state, and inevitable ruin to it, and perhaps all Louisiana, must be the consequence, unless prompt measures are taken to stop the infamous proceedings of the infernal Spaniards.

I received a message, the other day, from the Cousadee or Alabama Indians, informing that other Indians, stimulated by the Spaniards, had desired them to move over the line, (they living

on this side the Sabine, within the district of Opelousas,) and informed them that they wished them to join a war against the Americans; upon refusing, they threatened to cut them off wherever they should meet with them. Further, that a great council was about to be held, to which all the Indians were invited, and the Spaniards were to have large presents there for them. This intelligence has, within a few days, been corroborated by a white man living near the Sabine, whom the Indians, being friendly towards, desired to quit, as shortly depredations were to commence on the American frontier.

Extract of a letter from Doctor John Sibley to the Secretary of War, dated

NATCHITOCHES, *May* 1, 1805.

The Choctaw chief, at the same time, reported to me, that a party of his people had lately returned from a hunting voyage on the bay of St. Bernard, and that they there fell in with two parties of Spanish troops, who had lately arrived there by water, and had their shipping then lying there; that they were building two forts, and had got them considerably advanced; one of them at the mouth of Trinity river, at the Oekekesaws, the other, further to the westward, near the Caraukuas; they did not know by what name they called the place, but I take it to be Matagordo: that the Spanish officer at Oekekesaws had commissioned one of his hunters as a chief, and told him the Americans holding this country were all wind; that, if they were wise, they would abandon us and attach themselves to them, (the Spaniards,) for their old friends would not forsake them; but that they were advancing against the Americans, and should soon build a fort in Opelousas, and another at Attakapas, and one at or near Natchitoches, and proceed on towards New Orleans; and that the officer told him he was in want of spades to go on faster with the works; and that, if the Indians would come in among the Americans and buy what they could and bring to him, he would give them a horse for each spade they would bring.

This hunter, on his arrival at Bayou Chero, at the Choctaw village, finding the chief absent, sent off a runner to notify him of it, and to be on his guard against the Americans, for all Louisiana would soon belong again to Spain.

Mr. Fulsome, who I occasionally employ as an interpreter, was present when the chief received this message, and came in with him to me, who likewise said that there was, at the same time, a Spaniard in the Choctaw camp asleep, and that after the runner had delivered his message, he (Fulsome) awakened the Spaniard, and asked him if he knew anything of a Spanish force having arrived at the Oekekesaws, and he said he had heard so.

An American gentleman, a Captain Fristo, of Tennessee, was with me a few hours ago. He is lately from Nacogdoches, and informs me that he understood the same when he was at that place.

Extract of a letter from Captain Turner to General James Wilkinson, dated

FORT CLAIBORNE, (*Natchitoches,*) *May* 3, 1805.

Within these two days I have received information that the Spaniards have absolutely established themselves, both at Matagorda, and the Orcoquisas. They came by sea, and immediately commenced fortifying. The informer is an Indian chief of the Choctaws, who says that a warrior of his nation, who has been hunting with the Caraukuas, on the bay of St. Bernard, has returned loaded with Spanish presents and caresses, and says that the commanding officer told him that he and his people had better abandon the Americans, and come under the protection of the Spaniards, who would never forsake their old friends; and bid him witness their present proceedings, giving to understand that it was only preparatory to their taking possession of the country again, which would not remain long in the hands of the Americans, as they meant to edge themselves along till they got to Orleans; that the warrior appeared to believe what was told him, and had returned with different ideas respecting the Americans than he possessed before. The informer further says, that the Spanish troops were in want of spades, and told this Indian, and those who were with him, that if they would bring some from this place, or Opelousas, he would give them a horse for every one delivered.

Extract of a letter from Doctor John Sibley to the Secretary of War, dated

NATCHITOCHES, *May* 31, 1805.

I sent Mr. Fulsome to bring in the chief and the party of Choctaws, who had lately returned from the bay of St. Bernard, and had given an account of the posts of Matagordo and the Oekekesaws being lately taken possession of. Mr. Fulsome found them and brought them in. He can give no certain account of any troops being at Matagordo, but he was at the Oekekesaws, and saw them; they were building a fort: but a small number of soldiers. The chief says, the Spanish officer advised him and all his nation to come to them; that their great father over the water had not forgotten them, and gave them not only his hand but his whole arm. He says the party he saw came there by land: but the evening he left the place, he saw a vessel in the bay, that the officer said was coming to them with a reinforcement. He likewise says, he heard they intended to build forts soon at Opelousas, Attakapas, and Natchitoches, but he did not hear the officer say it.

Extract of a letter from Dr. John Sibley to the Secretary of War, dated

NATCHITOCHES, *July* 2, 1805.

A man by the name of St. Prie arrived here yesterday from the Spanish country. He speaks French: I have had some conversation with him. He says that there are five hundred families arrived at St. Antonio, settlers, with a con-

siderable reinforcement of troops; and that one hundred soldiers were coming to Nacogdoches; fifty of whom were to be there by the 15th inst.

Extract of a letter from the same to the same, dated

NATCHITOCHES, *August* 8, 1805.

Great pains are certainly taken by people living here, and strangers passing through the country to and from toward Mexico, to freshen and keep alive the report and belief, that this part of the country is not long to remain in the hands of the United States.

The day before yesterday the Baron Bastrop, an intimate acquaintance of the Marquis de Casa Calvo, passed through this place from Orleans on his way to Mexico; on that way he took great pains to circulate the report, and to tell all the inhabitants he spoke with, that the country would ere long be again under the Government of Spain, &c. He speaks French, English, and Spanish. Assurances of that kind, from a character like the Baron, make a strong impression upon the minds of the uninformed inhabitants.

Extract of a letter from Captain Turner to General James Wilkinson, dated

FORT CLAIBORNE, (NATCHITOCHES,) *September* 3, 1805.

About a month ago Mr. Shabus, of this place, received a letter, dated St. Antonio, from Padre Puellet, telling him that the Commandant General, Mr. Grimare, direct from the Court of Spain, was expected in August at the Rio Grand, where a great number of the people of the province of Texas was to meet him; that he was accompanied by seven companies coming to St. Antonio, which place he was to make his residence, and that Captain Amangual was to be stationed with his full company* at Nacogdoches. Mr. Shabus received a passport from the Governor of St. Antonio, and a letter from the Bishop, requesting him to come on immediately to make preparations for the Commandant General. Said Shabus says that he, (the Commandant General,) was high in the confidence of the Court of Spain, and sent on account of the limits. Six hundred families coming from Spain to settle Matagordo had put into the Canary islands.

Extract of a letter from the same to the same.

NATCHITOCHES, FORT CLAIBORNE, *September* 30, 1805.

The new Governor, Antonio Cordero, has arrived at St. Antonio.

Two men have just arrived from Nacogdoches, one of whom says he saw a letter from Mr. Barr to Davenport, written at St. Antonio, saying that he was waiting to set out with the Colonel, who was to take the command at Nacogdoches. He was to have two companies with him, one of which was to reinforce the Orcoquisas, and the other to be divided between Nacogdoches and Adeis.

The white men employed by the Indian agent are now with me, and relate the following:

At about six days' march nearly south west from here, they came in sight of a sort of stockade, as well as they could judge from the distance they saw it. They were discovered by the garrison, and a number of horsemen (to the amount of at least fifty) immediately sallied from out or near the picket work in line, and gave them chase. As they approached they formed a half circle, in order to enclose them. They, the Americans, escaped to the woods, which were within a league; the Spaniards continued the pursuit about fifteen miles. They imagined the fort or picket work to be about one hundred and twenty miles from this place, and is situated in open ground in the bottom of a prairie, at the confluence of the Trinity and Snow rivers, about twenty miles from the sea. They were further informed that the place where the fort is was called Orcoquisas.

Extract of a letter from a Mr. Johnson, son of a Colonel Johnson, of Kentucky, to Dr. Sibley.

NACOGDOCHES, *Oct.* 3, 1805.

I have chosen this method of informing you of the receipt of a letter from Mr. Barr, but a few minutes since, which mentions, that he will be here the day after to-morrow, accompanied by the new commandant, who had under his charge two companies of one hundred and ten each. The one is to be stationed at the Trinity until further orders, the other is for this place, with orders to make it a place of defence.

Extract of a letter from Captain Bowyer to Lieutenant Colonel Freeman.

OPELOUSAS, *Oct.* 13, 1805.

Yesterday Judge Collins waited on me and informed me that the minds of the citizens of the district were considerably agitated on a report being in circulation that a number of Spanish troops have taken post on the Kelqueshoes, some distance on this side the Sabine. Report says the number does not fall short of eight hundred. I have no idea the force is as strong as reported; but that there are some Spanish troops in that quarter I have not the smallest doubt.

Some time before Capt. Stille left Attakapas, he had certain information that a regular patrol was kept up on the Sabine, and were relieved weekly from the post of Nacogdoches. Since then I have been informed (how truly I cannot say) that two of the inhabitants of this country are prisoners at that post.

Extract of a letter from Governor Claiborne to the Secretary of War.

NEW ORLEANS, *Oct.* 30, 1805.

Six hundred troops have arrived at Pensacola from the Havana; and it is reported that the garrisons of Mobile and Baton Rouge are to receive considerable reinforcements. A Governor Gen-

* "A full company consists of a captain, lieutenant, commandant, and one hundred and fifteen."

eral for the province of Texas has arrived at St. Antonio; he is a Brigadier General, and said to possess military talents.

A fort is erected on Trinity river, and about two hundred men (the greater part cavalry) are there stationed.

Documents to show that the settlement of Bayou Pierre, on the Red river, at which a principal aggression took place, was originally made by France, while possessing Louisiana, and came to the possession of Spain only by the general delivery of Louisiana to her, and as a part of it.

CAMPTI, IN THE DISTRICT OF NATCHITOCHES, *Sept.* 14, 1805.

Personally appeared before me, John Sibley, one of the magistrates for the county of Natchitoches, Mary Pulogia Grappe Fontineau, aged 46, who, being duly cautioned and sworn, deposeth and saith, that she believes she was born at the ancient Caddo village, where was an establishment of French inhabitants and some soldiers; and that she perfectly recollects descending the river with her father. She was then six years of age; and that her mother remained behind, to collect some debts, and came down about six weeks after; and that she had always understood her family had lived there for a considerable number of years; and that there were a number of French families who had lived there for many years.

FONTINEAU, *Veuve.*

Sworn to before me,

JOHN SIBLEY, *J. P.*

I, John Horn, being duly sworn as interpreter, declare that the above declaration of Mary Pulogia Grappe Fontineau is truly interpreted as above written.

J. HORN.

NATCHITOCHES, *Sept.* 15, 1805.

Personally appeared before me, John Sibley, one of the Justices of the Peace for the county of Natchitoches, Julien Besson, an inhabitant of Campti, in said county, aged 57, who, being duly sworn, deposeth and saith, that he well recollects being carried from Natchitoches, by his father, to the ancient Caddo village, commonly called, by the course of the river, about one hundred and seventy leagues above Natchitoches, on Red river; and that, at that time, there were living several French families and some soldiers: the number of soldiers he does not remember, but only that it was a sergeant's command, (which sergeant was then his father;) and that his father, by order of the then French Governor General of Louisiana, built a small fort at said place, erected a flag staff, on which the French flag used to be hoisted: the name of the fort was called St. Louis de Carloretto; and that, from the appearance of the place, and everything he had heard and understood about it, the establishment had been made for a considerable number of years before he went there, which is more than fifty years ago; and that he lived there fourteen or fifteen years, during all which time there was continued a detachment of French soldiers there, with a number of French families, who continued to cultivate corn, tobacco, and garden vegetables; and that he recollects two small pieces of cannon being there, and one of them bursting by firing; and he believes the other slipped into the river, by an excavation of its bank, as it lay near the edge of the bank; and that he recollects there being some mill-stones there, but has no remembrance of seeing them in use. And, at the same time that he lived at the above-mentioned place, some French families were settled at the Yattasse point, so called, being a part of what is now called the Bayou Pierre settlement; and that the same place has continued to be occupied by French families ever since, and which is now under the jurisdiction of the Spanish Government, in the province of Texas; and that said Yattasse point used to be a place of great deposit by Indian traders, before Louisiana was ceded to Spain: and further, that he has knowledge that some French hunters, while Louisiana belonged to France, planted several crops of corn more than fifty leagues above the ancient Caddo village, on Red river, at or near the mouth of Boggy river, (or the Vassures, as it is called;) and that the settlement at the old Caddo village was abandoned about thirty-eight years ago; and he believes the cause of their removal was, having large families of children growing up; and, after the cession of Louisiana to Spain, the settlement did not appear to augment, and the families were desirous their children should have the benefit of a better society: but that the country is exceedingly pleasant and fertile, and capable of becoming a rich and populous settlement. And further the deponent saith not.

JULIEN BESSON.

Sworn before me, at Natchitoches, the 16th of September, 1805.

JOHN SIBLEY, *J. P.*

I, the subscriber, being duly sworn as an interpreter of the French language, do hereby certify that the above or foregoing deposition of Julien Besson, is truly interpreted.

J. HORN.

NATCHITOCHES, *Sept.* 16, 1805.

Personally appeared before me, John Sibley, one of the Justices of the Peace in said county, Louis Lamalaty, Esq., of Campti, in said county, who, being duly sworn, deposeth and saith, that he is now sixty-six years of age; and that he was born at the place now called Natchitoches. Although he was never at the place where the ancient Caddo village was, he was in the constant habit of seeing the French inhabitants, and the soldiers who were then living and stationed there, and has no more doubt of the fact than though he had seen it; he saw Mr. Grappe and his family when they returned from there; and further, that he has knowledge of the ancient French establishment at Yattasse point, in the vicinity of Bayou Pierre; and that these French families lived there before Louisiana was ceded to Spain; and that Mr. Verge lived there for a number of years; and that said place was usually a place of deposit for

the Indian traders, &c. And further, that he has knowledge of Mr. Bourne, formerly commandant at Natchitoches, having had a trading-house established on the southwest side of the Sabine river, and distant from that river about six leagues, and from Natchitoches about fifty leagues, and about northwest from it; which establishment was antecedent to the Spanish Government taking place in Louisiana; and that the same place was occupied by sundry persons afterward, as well before as after the change of Governments; and that he has been informed that the mill-stones that were at the old French establishment at the Caddos, had been brought down; and that, according to the best of his recollection, it is now about thirty-eight years since the said settlement was abandoned. And further the deponent saith not.

LOUIS LAMALATY.

Sworn to, the 16th of September, 1805, before me, J. SIBLEY, *J. P.*

I, the subscriber, being duly sworn as interpreter of the French language, do hereby certify that the foregoing declaration of Louis Lamalaty, Esquire, is truly interpreted and translated.

J. HORN.

NATCHITOCHES, *Sept.* 16, 1805.

Personally appeared before me, John Sibley, one of the Justices of the Peace for said county, Mary Senes Brevell, widow of Antoine Grillette, deceased, who, being duly sworn, deposeth and saith, that, after she married Mr. Grillette, she went with him to the ancient Caddo village, where she remained about eighteen months. At that time, there were a few French inhabitants who settled and lived there, and a French commandant, who was Mr. Grappe, and, as near as she recollects, four soldiers; that the French inhabitants cultivated everything that was common for the French in other parts of Louisiana; and that she does not recollect the exact number of years that have elapsed since she was there, but believes it was, at least, ten years before the Government of Spain took place in Louisiana; and that she always understood, by her parents, she was there when a child, but she was too young to have remembrance of it. Further the deponent saith not.

M. S. BREVELL, her × mark.

Sworn to before me, at Natchitoches aforesaid, the day and year aforesaid,

JOHN SIBLEY, J. P.

I, the subscriber duly sworn as interpreter of the French language, do hereby certify that the above deposition of Mary Louisa Brevell is truly interpreted.

J. HORN.

NATCHITOCHES, *Sept.* 16, 1805.

Personally appeared before me, John Sibley, one of the Justices of the Peace for the county of Natchitoches, John Baptiste Grappe, an inhabitant of Campti, in said county, and likewise one of the Justices of the Peace for the same, aged 42 years, who, being duly sworn, deposeth and saith, that, thirty-five or thirty-six years ago, he went with his father from Natchitoches to the ancient Caddo village, where he remained about four months. At that time, there were no families or soldiers there, but the houses of the French families who had lived there but a few years before, together with the fort, flag staff, and the barracks or house occupied by the soldiers, were all standing entire; and that his father told him which of the fields and houses his family had occupied for a number of years; and likewise, he remembers to have seen in the fort the ambusier and platform where the cannon were placed; and that he recollects his father used to call the distance from Natchitoches to said place by water about the same as from Natchitoches to New Orleans, viz. about one hundred and seventy leagues; and further, that he well recollects some French families, particularly a Mr. Verge and Mr. de Coto, living at the Yattassee point, so called, and that he always understood they had lived there for many years before Louisiana was ceded to Spain; and that the same place has always continued to be occupied by some French inhabitants, and is situated on the western division of Red River about twenty-five leagues above Natchitoches, and is now part of what is called the Bayou Pierre settlement, under the jurisdiction of the Spanish Government, in the province of Texas; and that he has been several times at a place called the Dout, on the east bank of the Sabine river, at a prairie, and towards the head of said river, where there was the appearance of some works having been erected by the French as a trading establishment, and where his father and many Indians had told him the French flag had been hoisted, and the arms of the King of France buried. Further the deponent saith not.

BTE. GRAPPE.

Sworn to before me, at Natchitoches, the 16th day of September, 1805,

JOHN SIBLEY, *J. P.*

I, the subscriber, being duly sworn as an interpreter of the French language, do hereby certify that the foregoing deposition of John Baptiste Grappe is truly interpreted and translated.

J. HORN.

NATCHITOCHES, *Sept.* 22, 1805.

Personally appeared before me, John Sibley, one of the Justices of the Peace for the county of Natchitoches, François Grappe, of Campti, in said county, aged 57, who, being duly sworn, deposeth and saith, that to the best of his knowledge and belief, he was born near the ancient Caddo village, on Red river, which, by the course of the river, he believes to be upwards of five hundred miles above Natchitoches, where his parents then lived, and had lived, he believes, a number of years before he was born, and where they continued to live until he was sixteen or seventeen years of age. As long ago as he can remember, he recollects a Mr. François Harvey, a French gentleman, living

there, and who, he understood was the first white man that settled there; and that his father settled there about two years after. But he always understood there had been a company of French traders settled, for a number of years, about forty miles higher up the river, and that Mr. Harvey was one of them; but they were broken up before he was born; it was always called *the Company*: And that, during the whole time he lived at the ancient Caddo village, there were three settled families, besides a number of single persons, and a detachment of soldiers; and that the number of soldiers assigned by the French Government for that post was always fifteen, but he never knew the number complete; and that his father was commandant of the place for many years, and was succeeded by a Mr. Closo, who continued to be a commandant until it was abandoned, after the cession of Louisiana to Spain; and that his father, by order of the Governor of Louisiana, built a small fort there, in which were two small pieces of cannon, and in which was a flag-staff, on which the French flag was occasionally hoisted; he believes that the whole time that that place was occupied by the French as a military post and a settlement of families was about thirty years; and that the inhabitants pursued the same agriculture that was then common in other parts of the French settlements of Louisiana, viz. corn, tobacco, indigo, cotton, and garden vegetables, with some wheat, which grew well; but, having no way of manufacturing flour, there was but little wheat raised, though there was a pair of excellent European mill-stones and mill-irons there, but were not in use in his time; the stones he himself brought down in the year 1778, and they were carried to Opelousas; he understood they had been carried to the Caddo country by the Company, as it was called: And that he has knowledge of a French trading establishment being at a place called the Dout, on the Sabine river, near where the Nandaco Indians now live; and that it was an ancient establishment, and a place of great trade and resort at the time his father's family lived at the Caddos; and that he has several times been at the place; the French flag used to be hoisted there, and there are the remains of the buildings and works now to be seen; and that the Dout is about one hundred and fifty miles northwest from Natchitoches. And that there was, at the same time, a similar trading establishment and a number of settled French families at the Yattasse point, on the southwest division of Red river, about twenty-five leagues above Natchitoches, in what is now called the Bayou Pierre settlement, which is now under the jurisdiction of Spain, and which place is now, and ever has continued to be, occupied by French inhabitants, and some of whom have ancient French grants or titles for their lands; and that Mr. Verge, who lived there for a number of years before Louisiana was ceded to Spain, had the exclusive Indian trade granted him, by the French Governor General of Louisiana, of Troiscannes or Tauacanos, the Reychies, Yattasses, and several other tribes that then lived on the river Sabine, and southward and westward of it, in what is now called the province of Texas.

FRANCOIS GRAPPE.

Sworn to before me, the 30th of September, 1805.

JOHN SIBLEY, *J. P.*

The subscriber being duly sworn interpreter of the French language, does hereby certify that the foregoing declaration of François Grappe is truly interpreted and translated.

J. HORN.

Document relative to robberies committed by the Spaniards in Louisiana.

NATCHITOCHES, *October* 2, 1805.

Personally appeared before me, John Sibley, one of the Justices of the Peace for the county of Natchitoches, Gaspard Bodin, Lewis Bodin, and Andrew Chamar, all of Natchitoches aforesaid, who, being duly sworn, deposed and said, that, on the 8th day of September last, they, the deponents, were all travelling in company from Natchitoches to Opelousas, on the usual road; and that, when within fourteen or fifteen miles of Opelousas church, they were met by five armed Spanish soldiers on horseback, who drew their arms upon them, and ordered them to stop. One of the deponents, (Madam Bodin,) who speaks Spanish well, asked the one who appeared to be the commander of the party, what business he had to order them to stop, that they were all of them Americans, and that was American ground. The commander of the Spanish party replied, that he had a right to command there, and would do as he pleased, and that he must have such a horse for the use of the King, (pointing to Mr. Chamar's best horse) which he immediately took possession of, and took away with them, proceeding on the Nacogdoche road, and the deponent Chamar has never seen or heard of his horse since.

GASPARD BODIN,
LEWIS BODIN,
ANDREW CHAMAR.

Sworn before me the day above written.

JOHN SIBLEY, *J. P.*

NATCHITOCHES, *Oct.* 3, 1805.

Personally appeared before me, John Sibley, a Justice of the Peace for the county of Natchitoches, Francis Roban, of said Natchitoches, aged twenty-one years, who, being duly sworn, deposeth and saith, that, about the 10th of September last, himself, being in the employ of Messrs. Oliver and Case, of Natchitoches, was, with Joseph Lucas, conducting from the Caddo nation to Natchitoches eighteen horses, packed with about eleven hundred deer skins; and in the Bayou Pierre settlement they stopped for the night, at the plantation of a Mr. Poisot. Next morning, the deponent had occasion to go to the house of Mr. de Soto, about a half a league distant, who is a syndic, and at whose house the detachment of Spanish soldiers on guard is stationed; soon after his arrival at de Soto's house, a corporal of the

guard called him, the deponent, into a small apartment, in de Soto's house, under the pretence of speaking to him; as soon as he entered the room, the corporal told him he was a prisoner, and placed a sentinel at the door; then told him they wanted to take Oliver and Case, or either of them, and that, if they did not find Oliver and Case, that he, the deponent should pay for it. They kept him then confined in the room, from about eight in the morning till one, afternoon; they then removed the deponent on his own horse, with one armed soldier before him and another behind, and ordered him to show Oliver and Case. He conducted them in this manner about eight miles, where he understood Mr. Case had been to Mr. Doley's. Arriving there, and not finding him, the deponent was left at Mr. Doley's under a guard, and the corporal went to some houses near by in the neighborhood, to search for him, but could not find him; after which, they set off in the same order in which they came, to return back to de Soto's. On their way they discovered a fresh trail of horses crossing the road, and leading from Mr. Poisot's plantation towards the plantation of Mr. Robleau, which they concluded to be the trail of Lucas, with the packs, &c. The deponent then attempted to escape from them, but was overtaken, and tied with his hands behind him, with a coarse hair rope; they then put him on his horse, one of the Spaniards leading his horse by a rope and another following behind and holding the other end of the hair rope, with which the deponent's hands were tied. It was, at that time, towards eight o'clock in the evening; the moon shone bright, they followed the trail leading towards Robleau's plantation about two and a half miles, and found all the pack-horses grazing. The Spaniards went immediately to gathering them up, and took possession of them all, drove them into a pen belonging to the plantation, and placed a guard over them; after which they untied the deponent, and drove him into the pen with the horses, where they kept him under guard among the horses the remainder of the night.

After the horses and deponent were thus penned up together, the corporal armed himself with a pair of pistols, and, with a rope under his coat, sat off for Lucas's camp, the light of which was in sight, saying he would go and tie Lucas. He was gone about a quarter of an hour, when he came running back much out of breath, and exclaimed: "Blast the Indian, he wanted to shoot me with his arrow." Soon after, the Indian came up; the corporal took his gun and presented it at the Indian, who replied, "You had best be easy, for I am not a child; you may thank me that you are here now." The corporal then spoke to the Indian, told him he was sorry for what he had done, it was in passion, shook hands with him, &c. The Indian, who was a Yattasse, then told the deponent to tell the corporal that he, the Spaniard, had wanted to take Lucas, but, if he had have taken him, he should not have tied him or taken him off. The Indian afterwards related to him, the deponent, how the corporal came to the fire, where Lucas and himself were encamped; Lucas saw him coming and rose up; the corporal called out to him, and told him he wanted to speak to him; Lucas saw him armed and saw the rope he had, and retreated a few steps from the fire; the corporal told him to stop, or he would shoot him; Lucas told him, he would not stop, and ran off. The Indian, at the same moment, drew his bow to shoot the corporal, who likewise ran and hid himself in the cornfield. The deponent further saith, that, while he was imprisoned in the horse-pen with the horses, the Indian came into the pen to him, and remained with him the remainder of the night. Some time in the night he proposed to the deponent to assist him, and they would tie the two Spaniards, and take off the horses, but if he was afraid to attempt that, he, the Indian, would kill them both, if the deponent would consent to it. The deponent further said, that, the next morning, the Spaniards sat off with him and all the horses for de Soto's house; and as they were going by Mr. Poisot's house, on their way he requested leave to go in to get a drink of water, and made his escape out of a back door, hid himself in a cotton field, from thence into a thicket, where he remained hid till night, leaving his horse, saddle, and bridle at Mr. Poisot's gate, which the Spaniards took possession of. In the evening, he came into Mr. Poisot's house, Mr. Poisot gave him some victuals, and advised him to make the best of his way to Nachitoches, for the Spaniards were determined to catch him, and had given him positive instructions to take him if he could, and bind him, and bring him to the guard; and that all the horses they had started off for Nacogdoche. The deponent sat off immediately, and travelled all night, avoiding as much as he could the main road, understanding that there were Spaniards posted on the road to waylay him. About an hour before daylight he arrived at Mr. Doley's and found the Spaniards had arrived there, with all the horses before him, and sentinel guarding them; his own horse among the rest. And further the deponent said not.

FRANCIS ROBAN,

Sworn before me, JOHN SIBLEY, *J. P.*

[The foregoing papers were referred to a Committee of the House of Representatives on the 6th December, 1805. The Committee made a report to the House, January 3, 1806, for which see supplemental Journal to House Debates, *ante*, page 1117.]

FRANCE.

[Communicated to Congress, January 10, 1806.]

To the Senate of the United States:

In compliance with the request of the Senate, expressed in their resolution of December 27, I now lay before them such documents and papers (there being no other information in my possession) as relate to complaints made by the Government of France against the commerce carried on by the citizens of the United States to the French islands of St. Domingo.

JAN. 10, 1806. TH. JEFFERSON.

General Turreau to the Secretary of State.

The undersigned, Minister Plenipotentiary of His Imperial and Royal Majesty to His Excellency the President of the United States of America, has testified, in his conversations with the Secretary of State, his just discontent with the commercial relations which many citizens of different States of the Union maintain with the rebels of every color, who have momentarily withdrawn the colony of St. Domingo from the legal authority.

The principles injuriously affected by such a commerce, or rather by such a system of robbery, (brigandage,) are so evident, so generally acknowledged, and adopted, not only by all nations who have a colonial system to defend, but even by those who have none, and, moreover, even by every wise people to whatsoever political aggregation they may belong, that the statesman, if he has not lost every idea of justice, of humanity, and of public law, can no more contest their wisdom than their existence. And certainly the undersigned, in finding himself called by his duty, as well as by his inclination, in the bosom of a friendly people, and near the respectable Chief that directs its Government; certainly the undersigned ought not to have expected that his first political relations would have for their object a complaint so serious, an infraction so manifest of law the most sacred and the best observed by every nation under the dominion of civilization.

But it was not enough for some citizens of the United States to convey munitions of every kind to the rebels of St. Domingo, to that race of African slaves the reproach and the refuse of nature; it was moreover necessary to insure the success of this ignoble and criminal traffic by the use of force. The vessels destined to protect it are constructed, loaded, armed in all the ports of the Union, under the eyes of the American people, of its particular authorities, and of the Federal Government itself: and this Government, which has taken for the basis of its political career the most scrupulous equity and the most impartial neutrality, does not forbid it.

Without doubt, and notwithstanding the profound consideration with which the Minister Plenipotentiary of the French Empire is penetrated for the Government of the Union, he might enlarge still further upon the reflections suggested by such a state of things—a circumstance so important, so unexpected. But it would be equally as afflicting for him to dwell upon it, to state its consequences, as it would be for the Government to hear them.

The Secretary of State, who perfectly knows the justice of the principles, and the legitimacy of the rights referred to in this note, will be of opinion, that neither are susceptible of discussion; because, a principle universally assented to, a right generally established, is never discussed, or, at least, is discussed in vain. The only way open for the redress of these complaints, is, to put an end to the tolerance which produces them, and which daily aggravates their consequences.

Moreover, this note, founded upon facts not less evident than the principles which they infract, does not permit the undersigned to doubt that the Government of the United States will take the most prompt, as well as the most effectual prohibitory measures, in order to put an end to its cause; and he seizes with eagerness this occasion of renewing to the Secretary of State the assurance of his high consideration.

TURREAU.

General Turreau to the Secretary of State.

WASHINGTON, *January* 3, 1806.

SIR: Formal orders of my Government oblige me to insist upon the contents of my official note of the 14th of October last, relative to the commerce which some inhabitants of the United States maintain with the rebels of St. Domingo.

Not receiving any answer to that note, I had room to hope that the Government of the Union would take prompt and effectual measures to put an end to the causes which produced it; but your silence towards me, especially in relation to St. Domingo, and that of your Government towards Congress, impose upon me the duty of recalling to your recollection the said official note, and of renewing to you my complaints upon the tolerance given to an abuse as shocking, as contrary to the law of nations, as it is to the treaties of peace and friendship existing between France and the United States.

I will not recur, sir, to the different circumstances which have attended the commerce with the revolted part of St. Domingo; to the scandalous publicity given to its shameful success; to the rewards and encomiums prostituted upon the crews of armed vessels, whose destination is to protect the voyages to carry munitions of every kind to the rebels, and thus to nourish rebellion and robbery.

You ought not to be surprised, sir, that I call anew the attention of the American Government to this subject. His excellency M. Talleyrand has already testified his discontent to General Armstrong, your Minister Plenipotentiary at Paris; and you will be of opinion, that it is at length time to pursue formal measures against every adventure to the ports of St. Domingo occupied by the rebels. The system of tolerance which produces this commerce, which suffers its being armed, which encourages, by impunity, its extension and its excesses, cannot longer remain; and the Emperor and King my master expects from the dignity and candor of the Government of the Union that an end be put to it promptly.

I add to this despatch a copy of the official note which has been already transmitted to you. I earnestly request, sir, that you acknowledge the receipt of both; and receive anew assurances of my high consideration.

TURREAU.

[Enclosed in General Armstrong's letter to the Secretary of State, of the 10th August, 1805.]

From M. Talleyrand to General Armstrong.

SIR: I have several times had the honor to call your attention to the commerce carried on from

the ports of the United States, to those of St. Domingo occupied by the rebels. The commercial communications would appear to be almost daily increased. In order to cover their true destination, the vessels are cleared for the West Indies, without a more particular designation of the place; and, with the aid of these commissions, provisions, arms, and other objects of supply, of which they stand in need, are carried to the rebels of St. Domingo.

Although these adventures may be no more than the result of private speculations, the Government of the United States is not the less engaged to put an end to them, by a consequence of the obligations which bind together all the civilized Powers, all those who are in a state of peace. No Government can second the spirit of revolt of the subjects of another Power; and, as in this state of things it cannot maintain communications with them, it ought not to favor those which its own subjects maintain.

It is impossible that the Government of the United States should longer shut its eyes upon the communications of their commerce with St. Domingo. The adventures for that island are making with a scandulous publicity. They are supported by armed vessels. At their return, feasts are given in order to vaunt the success of their speculations; and the acknowledgment, even the eulogies of Government are so much relied upon, that it is at these feasts, and in the midst of an immense concourse, where are found the first authorities of the country, that the principles of the Government of Hayti are celebrated, and that vows are made for its duration.

I have the honor, sir, to transmit to your Excellency an extract of an American journal, in which are contained sundry details of a feast given in the port of New York, on board of a convoy which had arrived from St. Domingo.

The ninth toast, given to the Government of Hayti, cannot fail, sir, to excite your indignation. It is not, after having covered everything with blood and with ruins, that the rebels of St. Domingo ought to have found apologists in a nation the friend of France.

But they do not stop at their first speculations. The company of merchants, which gave a feast on the return of their adventure, is preparing a second convoy, and proposes to place it under the escort of several armed vessels.

I have the honor, sir, to give you this information, in order that you may be pleased to call the most serious attention of your Government towards a series of facts, which it becomes its dignity and candor no longer to permit. The Federal Government cannot so far separate itself from the inhabitants of the United States, as to permit to them acts and communications which it thinks itself bound to interdict to itself, or as to think that it can distinguish its own responsibility from that of its subjects, when there is in question an unparalleled revolt, whose circumstances and whose horrible consequences must alarm all nations, and who are all equally interested in seeing it cease.

France ought to expect from the amity of the United States, and His Majesty charges me, sir, to request, in his name, that they interdict every private adventure, which, under any pretext or designation whatever, may be destined to the ports of St. Domingo occupied by the rebels.

Receive, General, the assurances of my high consideration. C. M. TALLEYRAND.

To His Exc'y Gen. ARMSTRONG,
Minister Plenipotentiary of the U. S.

From M. Talleyrand to General Armstrong.

PARIS, (*29th Thermidor, 13th year,*)
August 13, 1805.

SIR: Since the letter I had the honor to write to you, on the 2nd Thermidor, concerning the armaments which were making in the ports of the United States for the western part of St. Domingo, fresh information upon this point confirms everything which had been received. The adventures for St. Domingo are publicly made; vessels are armed for war to protect the convoys; and it is in virtue of contracts entered into between Dessalines and American merchants, that the latter send him supplies and munitions of war.

I add, sir, to the letter which I have the honor to write to you, a copy of a sentence given at Halifax, in the matter of a merchant of New York, who had conveyed into the revolted part of St. Domingo three cargoes of gunpowder, and who was taken on his return by an English frigate.

If even in the English tribunal where this prize was condemned, the whole island of St. Domingo was considered as a French colony, how can the Federal Government tolerate that the rebels of this colony should continue to receive from America succors against the parent country? It is impossible that that Government should be ignorant of the armaments making in its ports. Too much publicity is given to them not to render it responsible; and it ought to perceive that it is contrary to every system of peace and good friendship to suffer longer in its ports armaments evidently directed against France.

Without doubt the Federal Government would not wish, in order to favor certain private speculations, to give new facilities to rebellion and robbery (brigandage:) the tolerance of a commerce so scandalous would be unworthy of it. Neither your Government nor His Majesty can be any longer indifferent to it; and, as the seriousness of the facts which occasion this complaint obliges His Majesty to consider as good prize everything which shall enter the port of St. Domingo occupied by the rebels, and everything coming out, he persuades himself that the Government of the United States will take, on its part, against this commerce, at once illicit and contrary to all the principles of the law of nations, all the repressive and authoritative measures proper to put an end to it. This system of impunity and tolerance can no longer continue; and His Majesty is convinced that your Government will think it due from its frankness promptly to put an end to it.

Receive, sir, the assurances of my high consideration. CH. MAU. TALLEYRAND.

Correspondence of the Secretary of State with the Marquis de Yrujo

The Secretary of State to the Marquis de Yrujo.

DEPARTMENT OF STATE, *Jan.* 15, 1806.

Sir: In consequence of the just objections which your conduct had furnished against your countenance here, as the organ of communication on the part of His Catholic Majesty, it was signified at Madrid in the month of April last, through the mission of the United States there, that the substitution of another was desired by the President.

In reply it was intimated by Mr. Cevallos, that as you had yourself expressed a wish and obtained permission to return to Spain, the purpose might be accomplished without the necessity of a recall, and that such a change in the mode would be agreeable to your Government; in a spirit of conciliation the arrangement proposed by Mr. Cevallos was admitted; and it was not doubted, that it would without delay have been carried into effect. It is seen, therefore, not without surprise, that, at this late day, you should have repaired to the seat of Government, as if nothing had occurred, rendering such a step improper. Under these circumstances, the President has charged me to signify to you, that your remaining at this place is dissatisfactory to him, and that although he cannot permit himself to insist on your departure from the United States during an inclement season, he expects it will not be unnecessarily postponed, after this obstacle has ceased.

I am charged by the President, at the same time, to let it be fully understood that the considerations which have led to this explanation, being altogether personal, they are perfectly consistent with the ready admission of a successor, and with all the attention, which can be due to whatever communications His Catholic Majesty may please to make, with a view to cultivate harmony and friendship between the two nations.

I have the honor to be, sir, with due consideration and respect, your most obedient servant.

JAMES MADISON.

The Marquis de Casa Yrujo to Mr. Madison.

WASHINGTON, *Jan.* 16, 1806.

SIR: I have just received your letter of yesterday, in which you are pleased to tell me, that from the President of the United States having solicited my recall to Madrid, in the month of April last, he has heard with surprise my arrival in this city, the residence of Government, and that he thinks this step of mine improper, adding, at the same time, that my stay here would be dissatisfactory to him. As the object of my journey is not with the view to hatch plots, to excite conspiracies, or to promote any attempt whatever against the Government of the United States, and as hitherto I have not either directly or indirectly committed acts of a similar tendency, which alone would justify the tenor and object of your letter; to which I reply, my arrival here is an innocent and legal act, which leaves me in the full enjoyment of all my rights and privileges, both as a public character, or as a private individual. Making use, therefore, of these rights and privileges, I intend remaining in this city, four miles square, in which the Government resides, as long as it may suit the interest of the King my master, or my own personal convenience; I must at the same time add that I shall not lose sight of these two circumstances, as respect the period and season in which our mutual desires for my departure from the United States are to be accomplished.

In regard to the objections which this Government, in its wisdom, is pleased to call just, respecting the demand of my removal, I shall take the liberty of observing that although this Government no doubt may have had their reasons to solicit it, they hitherto have forgotten to communicate them to mine; for Mr. Monroe's official letter to Mr. Cevallos on this subject merely contains vague, undetermined, general assertions, destitute of any proof whatever. It is true, that he alludes to an attempt of mine to bribe a citizen of the United States, but it is equally so that as this assertion of Government is grounded on a reference to a testimony already proved incorrect, I may without wounding the feelings of, or be wanting in that respect which I owe this Administration, permit myself to call it false and calumnious.

Independent of that, in the letter I had the honor of writing to you, sir, early in Sept. 1804, in which this business was completely and satisfactorily explained, if in fact the editor of the Commercial Register could ever be considered as an organ of truth, what would the American people think of their chief magistrate, of the heads of the departments, and of the acts of this administration?

It is not my intention to endeavor to change by this explanation, the disposition of this Government towards my person; my object is solely to fulfil the duty my situation imposes on me of again repelling an imputation, which is as improbable in itself as it is calumnious against both my public and private character.

I shall therefore, sir, communicate your letter of yesterday, to my Government: I shall also inform it of my answer, thereto; and whenever by order of the King my master, I am to return to Spain, I shall quit the United States with sentiments of affection towards a virtuous people, in whose bosom I have lived ten years, with the intimate testimony of having never committed any grounded offence against their Government; and above all, with the consoling satisfaction of having employed all my zeal and feeble talents in defence of the rights of the best of Kings.

I have the honor to be, sir, &c.

M. DE CASA YRUJO.

JAMES MADISON, Esq.

M. de Casa Yrujo to the Secretary of State.

WASHINGTON, *Jan.* 19, 1806.

SIR: Having gone through the personal explanations, which for just motives I was compelled to enter into in my first answer to your letter of the 15th instant, I must now inform you, sir, what otherwise would then have consti-

tuted my sole reply, namely, that the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty near the United States receives no orders except from his Sovereign. I must also declare to you, sir, that I consider both the style and tenor of your letter as indecorous, and its object an infraction of the privileges attached to my public character. This violation of the diplomatic rights and privileges, as inexplicable in itself as it is ill grounded, requires on my part the most solemn protest against your said letter, its style, and the intent with which it is addressed to me. I do therefore protest in the most solemn manner I possibly can against this improper step of yours, sir; a step which, under the existing circumstances, is as contrary to the diplomatic laws and usages, as it is to the spirit of the Constitution and Government of this country; and in order that your conduct, sir, in this case, may not in any manner affect the privileges of the body to which I have the honor to belong, I shall immediately transmit to the other members thereof accredited near the United States a copy of your said letter, of my first answer, and of this my protest, that on their part they may make the proper use thereof, and also that it may always appear that if there has existed on the part of this Administration an arbitrary determination to violate the rights of embassy, respected by every civilized nation, there did also exist in me the just resolution of repelling any similar attempt.

I have the honor to be, &c.

M. DE CASA YRUJO.

James Madison, Esq.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE NINTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, DECEMBER 2, 1805.

AN ACT making an additional appropriation for the Naval service, during the year one thousand eight hundred and five.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, in addition to the sum heretofore appropriated for that object, the sum of two hundred and fifty thousand dollars be, and the same hereby is, appropriated towards defraying the expenses of the Navy of the United States, during the year one thousand eight hundred and five.

SEC. 2. *And be it further enacted*, That the aforesaid sum shall be paid, first, out of the moneys accruing at the end of the year one thousand eight hundred and five, from the duties laid by the act, passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" and, secondly, out of any moneys in the Treasury not otherwise appropriated.

NATHL. MACON,
Speaker of the House of Representatives.
S. SMITH,
President of the Senate, pro tempore.

Approved, December 11, 1805.
TH. JEFFERSON.

An Act supplementary to the "Act making provisions for the payment of claims of citizens of the United States on the Government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth day of April, one thousand eight hundred and three, between the United States and the French Republic."

Be it enacted, &c., That the balance of the appropriation of three millions seven hundred and fifty thousand dollars, made by the act to which this is a supplement, which may remain unexpended on the thirty-first of December, one thousand eight hundred and five, shall not be carried to the credit of the surplus fund, but shall remain appropriated to the same purpose for which it was originally appropriated, any act to the contrary notwithstanding.

Approved, December 31, 1805.

An Act to provide for Light-houses in Long Island Sound; and to declare Roxbury, in the State of Massachusetts, to be a port of delivery.

Be it enacted, &c., That the Secretary of the Treasury shall be, and he hereby is, authorized and required to cause two good and sufficient light-houses to be erected in Long Island Sound, one to be placed on Watch Hill Point, in the town of Westerly, and State of Rhode Island, and the other on Sands's or Watch Point, in the town of Northampsted, on Long Island, in the State of New York, and to appoint the keepers of the said light-houses, (under the direction of the President of the United States,) and otherwise provide for such light-houses, at the expense of the United States: *Provided*, That sufficient land, for the accommodation of such light-houses, can be obtained, at a reasonable price, and the Legislatures of Rhode Island and New York shall cede the jurisdiction over the same to the United States. And a sum not exceeding six thousand dollars is hereby appropriated for the purpose of defraying the expense of erecting the said light-houses, to be paid out of any moneys in the Treasury, not otherwise appropriated.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause the said light-houses so to be constructed that their lights on being discovered may, with certainty, be distinguished from those of all other light-houses, heretofore erected in their neighborhood.

SEC. 3. *And be it further enacted*, That the town or landing place of Roxbury, in the State of Massachusetts, shall be a port of delivery, to be annexed to the district of Boston and Charlestown, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States.

Approved, January 22, 1806.

An Act making an additional appropriation to supply the deficiency in the appropriation for the Naval service, during the year one thousand eight hundred and five.

Be it enacted, &c., That, for supplying the deficiency in the appropriation for the naval service, during the year one thousand eight hundred and five, the further sum of three hundred fifty thousand dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated, be, and the same hereby is appropriated.

Approved, January 22, 1806.

An Act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.

Be it enacted, &c., That a sum of two millions of dollars be, and the same is hereby appropriated

towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account thereof to be laid before Congress as soon as may be.

SEC. 2. *And be it further enacted*, That the President of the United States be, and hereby is, authorized, if necessary, to borrow the said sum, or any part thereof, in behalf of the United States, at a rate of interest not exceeding six per centum per annum, redeemable at the will of the Congress of the United States. And it shall be lawful for the Bank of the United States to lend the whole, or any part of the same.

SEC. 3. *And be it further enacted*, That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriation heretofore charged upon them, by law, shall be, and hereby is, pledged and appropriated for the payment of the interest, and reimbursement of the principal, of all such moneys as may be borrowed in pursuance of this act, according to the terms and conditions on which the loan or loans may be effected.

Approved, February 13, 1806.

An Act making a further appropriation for the support of a Library.

Be it enacted, &c., That, in addition to the unexpended balance of the former appropriation made to purchase books for the use of Congress, which is hereby revived and continued, there shall be appropriated the sum of one thousand dollars yearly, for the term of five years; to be paid out of any moneys in the Treasury not otherwise appropriated, and expended under the direction of a joint committee, to consist of three members of the Senate, and three members of the House of Representatives, to be appointed every session of Congress, during the continuance of this appropriation.

Approved, February 21, 1806.

An Act to repeal, in part, the fourth section of an act, entitled "An act to authorize a grant of lands to the French inhabitants of Galliopolis; and for other purposes therein mentioned."

Be it enacted, &c., That so much of the fourth section of an act, entitled "An act to authorize a grant of lands to the French inhabitants of Galliopolis; and for other purposes therein mentioned," as imposes the condition of an actual settlement on the said inhabitants, or any of them, their heirs or assigns, be, and the same is hereby, repealed. And in every case where a patent has issued, in conformity with the said fourth section, to any of the inhabitants aforesaid, their heirs or assigns, the conditions aforesaid, inserted in any such patent shall be considered null and void; and the fee simple be vested to all intents and purposes, in the person to whom such patent has been issued, his or her heirs or assigns.

Approved, February 21, 1806.

An Act for the relief of the Governor, Secretary, and Judges of the late Territory of the United States Northwest of the river Ohio.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to settle, at the rate of compensation heretofore established, the accounts of the Governor, Secretary, and Judges of the late Territory of the United States Northwest of the river Ohio, for their services while acting in those capacities, respectively, at any time between the twenty-ninth day of November, one thousand eight hundred and two, and the first Tuesday of March, one thousand eight hundred and three.

Approved, February 21, 1806.

An Act to suspend the commercial intercourse between the United States and certain parts of the island of St. Domingo.

Be it enacted, &c., That all commercial intercourse between any person or persons resident within the United States, and any person or persons resident within any part of the island of St. Domingo, not in possession, and under the acknowledged Government of France, shall be, and is hereby prohibited; and any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons resident within the United States, and sailing from any port of the United States, after due notice of this act at the custom houses, respectively, which, contrary to the intent hereof, shall be voluntarily carried, or shall be destined to proceed, whether directly, or from any intermediate port or place within the island of St. Domingo, and not in posssession, and under the acknowledged Government of France; and also any cargo which shall be found on board of such ship or vessel, when detected and interrupted in such unlawful purpose, or at her return from such voyage, to the United States, shall be wholly forfeited, and may be seized and condemned in any court of the United States having competent jurisdiction.

SEC. 2. *And be it further enacted*, That after due notice of this act at the several custom houses, no ship or vessel whatever shall receive a clearance for any port or place within the island of St. Domingo, and not in the actual possession of France: nor shall any clearance be granted for a foreign voyage to any ship or vessel, owned, hired, or employed, wholly or in part, by any person or persons, resident within the United States, until the owner or the employer for the voyage, or his factor or agent, with the master, shall give bond to the United States, in a sum equal to the value of the vessel and of her cargo, with condition that the ship or vessel, for which a clearance shall be required, is destined to some port or place without the limits of such part of the island of St. Domingo, as shall not be in the actual possession, and under the acknowledged Government of France, and during the intended voyage shall not be voluntarily carried, or permitted to proceed, whether directly or from any intermediate port or place, to any port or place within such part of the island of St. Domingo, as shall not be in the actual pos-

session, and under the acknowledged Government of France; and in case of being forced by any casualty into any port or place hereby interdicted, shall not, at any such port or place, voluntarily sell, deliver, or unlade any part of such cargo, except so much as may be absolutely necessary to defray the expenses requisite to enable such vessel to proceed on her intended voyage; and generally, that such ship or vessel, whilst on such voyage, shall not be employed in any traffic or commerce, with or for any person resident within any part of the island of St. Domingo, not in the actual possession, and under the acknowledged Government of France.

SEC. 3. *And be it further enacted*, That all penalties and forfeitures incurred by force of this act, and which may be recovered, shall be distributed and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated and remitted in the manner prescribed by the act, entitled "An act for mitigating and remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" passed the third of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh of February, one thousand eight hundred.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force for one year, and no longer.

SEC. 5. *And be it further enacted*, That at any time after the passing of this act it shall be lawful for the President of the United States, if he shall deem it expedient, and consistent with the interests of the United States, by his order, to remit and discontinue the restraints and prohibitions on the commerce aforesaid.

Approved, February 28, 1806.

An Act authorizing the sale of a tract of land, in the town of Cincinnati, and State of Ohio.

Be it enacted, &c., That, for the disposal of a certain tract or lot of land, belonging to the United States, in the town of Cincinnati, on the Ohio, being the same on which Fort Washington was erected, the Secretary of the Treasury shall cause the said tract to be surveyed and laid off into town lots, streets, and avenues, in such manner, and of such dimensions, as he may judge proper, conforming as near as may be to the original plan of the town: when the survey is completed, a plat thereof shall be returned to the surveyor general, on which the lots shall be denominated by progressive numbers, who shall therefrom cause two copies to be made, one to be transmitted to the Secretary of the Treasury, and the other to the register of the land office at Cincinnati: on the receipt of which plat the Secretary of the Treasury shall cause the said town lots to be offered to the highest bidder at public sale, to be held at Cincinnati, under the superintendence of the register and receiver of the land office in the district of Cincinnati, on the same terms and conditions as have been provided for the public sale of the public lands of the United States. Six weeks notice shall be given of the day of sale, in at least two newspapers published in the State of Ohio.

Approved, February 28, 1806.

An Act extending the powers of the Surveyor General to the Territory of Louisiana; and for other purposes.

Be it enacted, &c., That the powers vested by law in the Surveyor General shall extend over all the public lands of the United States, in the Territory of Louisiana, to which the Indian title has been, or hereafter shall be, extinguished. It shall be the duty of the said Surveyor General to appoint a sufficient number of skilful surveyors, as his deputies, in the said Territory, one of whom he shall, with the approbation of the Secretary of the Treasury, designate as his principal deputy for the same. Which said deputies shall severally take an oath, or affirmation, truly and faithfully to discharge the duties of their respective offices. The said principal deputy shall reside and keep an office in the said Territory, and shall, under the superintendence of the Surveyor General, execute, or cause to be executed by the other deputies, such surveys as may hereafter be authorized by law, or as he may be directed to execute by the commissioners appointed for the purpose of ascertaining the titles and claims to land within the Territory aforesaid; and shall generally perform therein, in conformity with the regulations and instructions of the said Surveyor General, the duties imposed by law on the said Surveyor General.

SEC. 2. *And be it further enacted*, That all the plots of surveys, and all other papers and documents pertaining, or which did pertain to the office of Surveyor General, under the Spanish Government, within the limits of the Territory aforesaid, or to any other office heretofore established or authorized for the purpose of executing, or recording surveys of lands within the said limits, shall be delivered to the principal deputy aforesaid; and no plot of survey shall be admitted as evidence, in any court of justice, unless certified by the said principal deputy, to be a true copy of the record in his office.

SEC. 3. *And be it further enacted*, That so much of the act, entitled, "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans, and the district of Louisiana," as makes it the duty of every claimant to lands, within the Territory of Louisiana, to deliver to the recorder of land titles a plot of the tract, or tracts, claimed by him, be, and the same is hereby repealed, so far as relates to claimants whose tracts had not been surveyed by the proper officer, under the Spanish Government, prior to the twentieth day of December, one thousand eight hundred and three. And the commissioners appointed for ascertaining the titles and claims to lands, within either the Territory of Louisiana, or that of Or-

leans, are authorized to direct the officer exercising the powers of Surveyor General, within the same, to execute such surveys as they may think necessary, for the purpose of deciding on claims presented for their decision: *Provided*, That the expense of executing such surveys shall be defrayed by the parties claiming the land, unless the same be claimed by a legal French or Spanish grant, made and completed before the first day of October, one thousand eight hundred: *And provided also, and it is hereby further enacted*, That every such survey, as well as every other survey, by whatever authority heretofore executed, those of the abovementioned legal and complete titles only excepted, shall be held and considered as private surveys only; and all the tracts of land, the titles to which may be ultimately confirmed by Congress, in conformity with the provisions of the act abovementioned, shall, prior to the issuing of patents, be re-surveyed, if judged necessary, under the authority of the person exercising the powers of Surveyor General, and at the expense of the parties.

SEC. 4. *And be it further enacted*, That the Surveyor General shall fix the compensation of the deputy surveyors, chain carriers, and axemen, in the Territory of Louisiana: *Provided*, That the whole expense of surveying and marking the lines, whether paid by the United States, or by individuals, shall not exceed three dollars per mile, for every mile that shall be actually run, or surveyed and marked. And the principal deputy aforesaid, shall be entitled to receive from individuals the following fees, that is to say; for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey, and for a certified copy of any plot of a survey in his office, twenty-five cents.

Approved, February 28, 1806.

An Act for altering the time for holding the circuit court in the district of North Carolina; and for abolishing the July term of the Kentucky district court.

Be it enacted, &c., That the June term of the circuit court how holden for the district of North Carolina, on the fifteenth day of June, shall commence and be holden on the twentieth day of the same month, anything contained in any former act or acts to the contrary notwithstanding. And that all actions, suits, process, pleadings, and other proceedings, of what nature or kind soever, civil or criminal, commenced or to commence in the said court, and all recognizances returnable to the said court on the fifteenth day of June, shall be continued, returned to, and have day in the session to be holden by this act, and the same proceedings shall be had thereon as heretofore, and shall have all the effect, power, and virtue as if the alteration had never been made; *Provided, nevertheless*, That when the twentieth day of June shall happen on Sunday, the next shall be the first juridical day.

SEC. 2. *And be it further enacted*, That, from and after the first day of August next, so much of all and every act or acts, as directs that a district court, for the Kentucky district, shall be holden on the first Monday in July, in every year, shall be and the same is hereby repealed.

Approved, February 28, 1806.

An Act declaring the consent of Congress to an act of the State of Pennsylvania, entitled "An act to empower the Board of Wardens for the port of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned."

Be it enacted, &c., That the consent of Congress be, and it is hereby granted and declared, to the operation of an act of the Legislature of Pennsylvania, passed on the first day of April, in the year one thousand eight hundred and five, entitled "An act to empower the Board of Wardens for the port of Philadelphia to collect a certain duty on tonnage, for the purposes therein mentioned," so far as to enable the State of Pennsylvania to collect a duty of four cents, per ton, on all vessels which shall clear out from the port of Philadelphia for any foreign port or place whatever, to be expended in building piers in, and otherwise improving the navigation of the river Delaware, agreeably to the intentions of the said act.

Approved, February 28, 1806.

An Act to extend jurisdiction in certain cases to State Judges and State Courts.

Be it enacted, &c., That the respective county courts within, or next adjoining, the revenue districts hereinafter mentioned, shall be and are hereby authorized to take cognizance of all complaints and prosecutions for fines, penalties, and forfeitures, arising under the revenue laws of the United States, in the districts of Champlain, Sacket Harbor, Oswego, Genesee, Niagara, and Buffalo Creek, in the State of New York, and in the district of Presque Isle, in the State of Pennsylvania; and the district attorneys of New York and Pennsylvania, respectively, are hereby authorized and directed to appoint, by warrant, an attorney as their substitute or deputy, respectively, to prosecute for the United States in each of the said county courts, who shall be sworn or affirmed to the faithful execution of his duty, as a prosecutor aforesaid: *Provided*, That this authority shall not be construed to extend jurisdiction to the county courts aforesaid, over any civil cause, which may arise in any of those revenue districts, for the collection of duties payable to the United States; or bonds or securities given for the security and payment of duties to the United States.

SEC. 2. *And be it further enacted*, That the county courts aforesaid, or the first judge of each of said courts, shall be, and hereby are, further authorized to exercise all and every power in cases of a criminal nature, cognizable before them by virtue of the first section of this act, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them, by virtue of the law of the United States, passed on the third of March, one

thousand seven hundred and ninety-seven, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned." And in the exercise of the authority, by this section given to said county courts or to the first judges thereof, they shall be governed in every respect by the regulations, restrictions, and provisions of the law of the United States, passed on the third of March, one thousand seven hundred and ninety-seven, aforesaid; with this difference only, that instead of notifying the district attorneys, respectively, said county courts, or the first judges thereof, as the case may be, shall, before exercising said authorities, cause reasonable notice to be given to the attorney who may have been appointed and sworn or affirmed to prosecute for the United States, in such court, that he may have an opportunity of showing cause against the mitigation or remission of such fine, penalty, or forfeiture.

SEC. 3. *And be it further enacted*, That this act shall remain in force during the term of one year, from its passage, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, March 8, 1806.

An Act declaring the town of Jersey, in the State of New Jersey, to be a port of delivery; and for erecting a light-house on Wood Island, or Fletcher's Neck, in the State of Massachusetts.

Be it enacted, &c., That the town, or landing place of Jersey, shall be a port of delivery, to be annexed to the district of Perth Amboy, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States. And there shall be appointed a surveyor to reside at the said port of delivery, who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars, annually.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized and required, to cause a good and sufficient light-house to be erected on Wood Island, or Fletcher's Neck, in the district of Maine, (selecting either place, as the President of the United States may deem most eligible,) and to appoint a keeper, and otherwise provide for such light-house, at the expense of the United States: *Provided*, That sufficient land for the accommodation of such light-house can be obtained at a reasonable price, and the Legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the sum of five thousand dollars is hereby appropriated for the erection of said light-house, to be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, March 8, 1806.

An Act to incorporate the Trustees of the Presbyterian Congregation of Georgetown.

Be it enacted, &c., That Stephen B. Balch, William Whann, James Melvin, John Maffit, John Peter, Joshua Dawson, James Calder, George Thompson, Richard Elliott, David Wiley, and Andrew Ross, and their successors, duly elected or appointed, in manner hereinafter directed, be, and they are hereby made, declared, and constituted a corporation and body politic, in law and in fact, to have continuance forever, by the name, style, and title of "the Trustees of the Presbyterian Congregation, in Georgetown."

SEC. 2. *And be it further enacted*, That all and singular the lands, tenements, rents, annuities, rights, privileges, goods, and chattels, heretofore given, granted, devised, or bequeathed to the said congregation, or to any person or persons, for the use thereof, or that have been purchased for, or on account of the same, be, and are hereby, vested in and confirmed to the said corporation: *And, further*, That the said corporation may purchase, take, receive, and enjoy, any lands, tenements, rents, annuities, rights, or privileges, or any goods, chattels, or other effects, of what kind or nature soever, which shall or may hereafter be given, granted, sold, bequeathed, or devised, unto them by any person or persons, bodies politic, or corporate, capable of making such gift, grant, sale, or bequest; and the said property, real or personal, to rent, sell, convey, and confirm, or otherwise dispose of, as fully and effectually as any person, or persons, bodies politic, or corporate, may or can do: *Provided*, That the clear annual income of all such property may not exceed the sum of three thousand dollars; that no part of the ground now appropriated, and enclosed for a grave-yard, be disposed of for any other purpose; and that the aforesaid property, real and personal, be considered as held in the trust, under the management, and at the disposal of said corporation, for the purpose of defraying the expenses incident to their mode of religious worship; of enclosing and keeping in decent repair, their grave yards and other lots, with the buildings thereon; and of affording such relief to the poor as their funds may from time to time allow, and for no other purpose.

SEC. 3. *And be it further enacted*, That the said corporation, by the name, style, and title aforesaid, be, and shall be hereafter forever, able and capable in law, to sue and to be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court or courts, or other places, and before any judge or judges, justice or justices, or other person whatsoever, within the District of Columbia, or elsewhere, in all, and all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatsoever kind or nature they may be, in as full and effectual a manner, as any other person or persons, bodies politic, or corporate, may or can do.

SEC. 4. *And be it further enacted*, That the said corporation shall have full power and authority to make, have, and use a common seal, with such device and inscription as they shall think proper, and the same to break, alter, and renew, at pleasure; to appoint a treasurer, secretary, and such other officers as they may deem necessary and proper; to assign them their duties, and fix their compensation, and to remove any, or all of

them from office; appoint another, or others in their place, as often as they shall think fit; to make, ordain, establish, and execute, such by-laws and ordinances, of a secular nature, as may be deemed useful for their own government, and the same to alter, amend, or abrogate, at pleasure; to fill up vacancies that may happen in their number, between two annual elections; and to determine upon, do, and transact all business, and matters appertaining to the said corporation, and to the secular affairs of said congregation, agreeable to the rules, ordinances and by-laws thereof, during their continuance in office: *Provided*, That not less than five trustees be a quorum to do business; that no by-law, rule, or ordinance, shall be made, repugnant to the laws of this District.

SEC. 5. *And be it further enacted*, That there shall be an annual meeting of the members belonging to said congregation, held on the first Tuesday of April, in every year hereafter, at the church or usual place of public worship, at which time and place the said members, or such of them as may be present, shall elect and choose, by ballot, from their own number, nine trustees, to serve for the year ensuing their election, and until others shall be elected or appointed to serve in their place.

SEC. 6. *And be it further enacted*, That the trustees shall keep, or cause to be kept, in suitable books for the purpose, just and proper entries of all the proceedings and accounts of said congregation and corporation, and have them laid before the members at every annual meeting, previous to taking the votes, and shall always deliver the said books, together with all the property of said congregation and corporation, in good order, to their successors in office, whenever required.

Approved March 28, 1806.

An Act declaring the consent of Congress to an act of the State of South Carolina, passed on the twenty-first day of December, in the year one thousand eight hundred and four, so far as the same relates to authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports.

Be it enacted, &c., That the consent of Congress be, and it is hereby, granted and declared to the operation of an act of the General Assembly of the State of South Carolina, passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and four, entitled "An act to authorize the City Council of Charleston, with the consent of Congress, to impose and levy a duty on the tonnage of ships and vessels, for the purposes therein mentioned," so far as the same extends to authorizing the City Council of Charleston to impose and levy a duty not exceeding six cents per ton, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston from any foreign port or place whatever.

SEC. 2. *And be it further enacted*, That the collector of Charleston is hereby authorized to collect the duty imposed by this act, and to pay the same to such persons as shall be authorized to receive the same by the City Council of Charleston.

SEC. 3. *And be it further enrcted*, That this act shall be in force for three years, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, March 28, 1806.

An Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, three discreet and disinterested citizens of the United States, to lay out a road from Cumberland, or a point on the northern bank of the river Potomac, in the State of Maryland, between Cumberland and the place where the main road leading from Gwinn's to Winchester, in Virginia, crosses the river, to the State of Ohio; whose duty it shall be, as soon as may be, after their appointment, to repair to Cumberland, aforesaid, and view the ground, from the points on the river Potomac, hereinbefore designated, to the river Ohio; and to lay out in such direction as they shall judge, under all circumstances, the most proper, a road from thence to the river Ohio, to strike the same at the most convenient place, between a point on its eastern bank, opposite to the northern boundary of Steubenville, in said State of Ohio, and the mouth of Grave creek, which empties into the said river a little below Wheeling, in Virginia.

SEC. 2. *And be it further enacted*, That the aforesaid road shall be laid out four rods in width, and designated on each side by a plain and distinguishable mark on a tree, or by the erection of a stake or monument, sufficiently conspicuous, in every quarter of a mile of the distance, at least, where the road pursues a straight course so far or farther, and on each side, at every point where an angle occurs in its course.

SEC. 3. *And be it further enacted*, That the commissioners shall, as soon as may be, after they had laid out said road, as aforesaid, present to the President an accurate plan of the same, with its several courses and distances, accompanied by a written report of their proceedings, describing the marks and monuments by which the road is designated, and the face of the country over which it passes, and pointing out the particular parts, which they shall judge require the most and immediate attention and amelioration; and the probable expense of making the same passable in the most difficult parts, and through the whole distance: designating the State or States through which said road has been laid out, and the length of the several parts which are laid out on new ground, as well as the length of those parts laid out on the road now travelled. Which report the President is hereby authorized to accept or reject, in the whole, or in part. If he accepts, he is hereby further authorized and request-

ed to pursue such measures, as in his opinion shall be proper, to obtain consent for making the road of the State or States, through which the same has been laid out. Which consent being obtained, he is further authorized to take prompt and effectual measures to cause said road to be made through the whole distance, or in any part or parts of the same as he shall judge most conducive to the public good, having reference to the sum appropriated for the purpose.

SEC. 4. *And be it further enacted*, That all parts of the road which the President shall direct to be made, in case the trees are standing, shall be cleared the whole width of four rods; and the road shall be raised in the middle of the carriage-way with stone, earth, or gravel and sand, or a combination of some or all of them, leaving or making, as the case may be, a ditch or water course on each side, and contiguous to said carriage-way; and in no instance shall there be an elevation in said road, when finished, greater than an angle of five degreees with the horizon. But the manner of making said road, in every other particular, is left to the direction of the President.

SEC. 5. *And be it further enacted*, That said commissioners shall each receive four dollars per day, while employed as aforesaid, in full for their compensation, including all expenses. And they are hereby authorized to employ one surveyor, two chainmen, and one marker, for whose faithfulness and accuracy they, the said commissioners, shall be responsible, to attend them in laying out said road, who shall receive in full satisfaction for their wages, including all expenses, the surveyor three dollars per day, and each chainman and the marker, one dollar per day, while they shall be employed in said business; of which fact, a certificate signed by said commissioners shall be deemed sufficient evidence.

SEC. 6. *And be it further enacted*, That the sum of thirty thousand dollars be, and the same is hereby, appropriated, to defray the expense of laying out and making said road. And the President is hereby authorized to draw, from time to time, on the Treasury, for such parts, or at any one time, for the whole of such sum, as he shall judge the service requires. Which sum of thirty thousand dollars shall be paid first, out of the fund of two per cent. reserved for laying out and making roads to the State of Ohio, by virtue of the seventh section of an act passed on the thirteenth day of April, one thousand eight hundred and two, entitled "An act to enable the people of the eastern division of the Territory Northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States, and for other purposes." Three per cent. of the appropriation contained in said seventh section, being directed by a subsequent law, to the laying out, opening, and making roads within the said State of Ohio. And secondly, out of any money in the Treasury not otherwise appropriated, chargeable upon, and reimbursable at, the Treasury by said fund of two per cent., as the same shall accrue.

SEC. 7. *And be it further enacted*, That the President be, and he is hereby, requested to cause to be laid before Congress, as soon as convenience will permit, after the commencement of each session, a statement of the proceedings under this act, that Congress may be enabled to adopt such further measures as may, from time to time, be proper, under existing circumstances.

Approved, March 29, 1806.

An Act for establishing rules and articles for the government of the Armies of the United States.

Be it enacted, &c., That, from and after the passing this act, the following shall be the rules and articles by which the armies of the United States shall be governed:

Article 1. Every officer now in the army of the United States shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Art. 2. It is earnestly recommended to all officers and soldiers, diligently to attend divine service; and all officers who shall behave indecently or irreverently at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person so offending shall, for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty-four hours; and, for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Art. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence one dollar, to be applied as in the preceding article.

Art. 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him, (excepting in cases of sickness or leave of absence,) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

Art. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the Chief Magistrate or Legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Art. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence, by the judgment of a court martial.

Art. 7. Any officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition in any troop or company in the service of the United States, or in any party, post, detachment, or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Art. 8. Any officer, non-commissioned officer or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or, coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

Art. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

Art. 10. Every non-commissioned officer or soldier who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and, in his presence, shall take the following oath, or affirmation:

"I, A. B., do solemnly swear, or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:" Which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation.

Art. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him, shall be sufficient, which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

Art. 12, Every colonel, or other officer, commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain, or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, except some extraordinary occasion should require it.

Art. 13. At every muster, the commanding officer of each regiment, troop, or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop, or company, certificates signed by himself, signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificates shall, together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the Department of War, as speedily as the distance of the place will admit.

Art. 14. Every officer who shall be convicted, before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

Art. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Art. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money, or other thing, by way of gratification, on mustering any regiment, troop, or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have, or hold any office or employment in the service of the United States.

Art. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

Art. 18. Every officer who shall knowingly make a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop, or company, or garrison, under his command; or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

Art. 19. The commanding officer of every regiment, troop, or independent company, or garrison of the United States, shall, in the beginning of every month, remit, through the proper channels, to the Department of War, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of his crime by the judgment of a general court martial.

Art. 20. All officers and soldiers, who have received pay, or have been duly enlisted in service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Art. 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

Art. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Art. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Art. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Art. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Art. 26. If any commissioned or non-commissioned officer, commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and be punished accordingly. And it shall be the duty of every officer commanding an army, regiment, company, post, or detachment, who is knowing to a challenge being given, or accepted, by any officer, non-commissioned officer, or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Art. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the persons concerned should belong to another regiment, troop, or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Art. 28. Any officer or soldier who shall upbraid another for refusing a challenge, shall himself be punished as a challenger, and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Art. 29. No suttler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or sermon, on the penalty of being dismissed from all future suttling.

Art. 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Art. 31. No officer commanding in any of the garrisons, forts, or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in, the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Art. 32. Every officer commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command; if upon complaint made to him of officers or soldiers beat-

ing, or otherwise ill treating, any person, of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered or otherwise punished as a general court martial shall direct.

Art. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company, to which the person, or persons, so accused, shall belong, are hereby required, upon application duly made, or in behalf of the party or parties injured, to use their utmost endeavors to deliver over such accused person, or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer, or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person, or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice in apprehending such person, or persons, the officer, or officers, so offending, shall be cashiered.

Art. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the State or Territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

Art. 35. If any inferior officer or soldier shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial, either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person, so appealing, shall be punished at the discretion of the said court martial.

Art. 36. Any commissioned officer, storekeeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition, or other military stores, belonging to the United States, to be spoiled, or damaged, shall, at his own expense, make good the loss, or damage, and shall moreover, forfeit all his pay, and be dismissed from the service.

Art. 37. Any non-commissioned officer or soldier who shall be convicted, at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Art. 38. Every non-commissioned officer or soldier who shall be convicted, before a court martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement or such other corporeal punishment as his crime shall deserve.

Art. 39. Every officer who shall be convicted, before a court martial, of having embezzled, or misapplied any money, with which he may have been entrusted for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Art. 40. Every captain of a troop or company is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop, or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Art. 41. All non-commissioned officers and soldiers, who shall be found one mile from the camp, without leave, in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial.

Art. 42. No officer or soldier shall be out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

Art. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence.

Art. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial.

Art. 45. Any commissioned officer who shall

be found drunk on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

Art. 46. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

Art. 47. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Art. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Art. 49. Any officer belonging to the service of the United States, who, by discharging of fire arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Art. 50. Any officer or soldier, who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Art. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters, of the forces of the United States, employed in any parts out of the said States, upon pain of death, or such other punishment as a court martial shall direct.

Art. 52. Any officer or soldier, who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the like; or shall cast away his arms and ammunition, or who shall quit his post or colours to plunder and pillage, every such offender being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Art. 53. Any person belonging to the armies of the United States who shall make known the watch-word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch word, different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Art. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander-in-chief of the armies of the said States, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Art. 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe-guard, shall suffer death.

Art. 56. Whosoever shall relieve the enemy with money, victuals, or ammunition, or shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Art. 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Art. 58. All public stores taken in the enemy's camp, towns, forts, or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Art. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers, or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court-martial.

Art. 60. All suttlers and retainers to the camp, and all persons whatsoever, serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

Art. 61. Officers having brevets, or commissions, of a prior date to those of the regiment in which they serve, may take place in court-martials and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered in the said corps.

Art. 62. If upon marches, guards, or in quarters, different corps of the army shall happen to join, or do duty together, the officer highest in rank of the line of the army, marine corps, or militia, by commission there, on duty, or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President of the United States, according to the nature of the case.

Art. 63. The functions of the engineers being generally confined to the most elevated branch of military science, they are not to assume, nor are

they subject to be ordered on any duty beyond the line of their immediate profession, except by the special order of the President of the United States; but they are to receive every mark of respect, to which their rank in the army may entitle them, respectively, and are liable to be transferred, at the discretion of the President, from one corps to the other, regard being paid to rank.

Art. 64. General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusively, but they shall not consist of less than thirteen, where that number can be convened, without manifest injury to the service.

Art. 65. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial, whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officers ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court martial, in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution, until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the United States, for his confirmation or disapproval, and orders, in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer, for the time being, as the case may be.

Art. 66. Every officer commanding a regiment, or corps, may appoint, for his own regiment, or corps, courts martial, to consist of three commissioned officers, for the trial and punishment of offences not capital, and decide upon their sentences. For the same purpose, all officers, commanding any of the garrisons, forts, barracks, or other places, where the troops consist of different corps, may assemble courts martial, to consist of three commissioned officers, and decide upon their sentences.

Art. 67. No garrison or regimental court martial shall have the power to try capital cases, or commissioned officers; neither shall they inflict a fine exceeding one month's pay, nor imprison, nor put to hard labor, any non-commissioned officer or soldier, for a longer time than one month.

Art. 68. Whenever it may be found convenient and necessary to the public service, the officers of the marines shall be associated with the officers of the land forces, for the purpose of holding courts martial and trying offenders belonging to either; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be received and obeyed.

Art. 69. The judge advocate, or some person deputed by him, or by the general or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial:

"You, A. B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried; and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favor, or affection; and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority: neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the President of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words:

"You, A. B., do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice in due course of law; nor divulge the sentence of the court, to any but proper authority, until it shall be duly disclosed by the same. So help you God."

Art. 70. When a prisoner arraigned before a general court martial shall, from obstinacy and deliberate design, stand mute or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

Art. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Art. 72. All the members of the court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Art. 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation, in the following form:

"You swear or affirm, as the case may be, the evidence you shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Art. 74. On the trials of cases not capital, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence: *Provided*, the prosecutor and the person accused are present at the taking the same, or are duly notified thereof.

Art. 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided: nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases, which, in the opinion of the officer appointing the court martial, require immediate example.

Art. 76. No person whatever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished, at the discretion of the said court martial.

Art. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered.

Art. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court martial, or released by proper authority.

Art. 79. No officer or soldier, who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

Art. 80. No officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States: *Provided*, the officer committing, shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Art. 81. No officer commanding a guard, or provost marshal, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Art. 82. Every officer or provost marshal, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes, and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Art. 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service.

Art. 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offience.

Art. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name, and place of abode and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular State from which the offender came, or where he usually resides, after which, it shall be deemed scandalous for an officer to associate with him.

Art. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Art. 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial; and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence.

Art. 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself or some other manifest impediment, shall not have been amenable to justice within that period.

Art. 89. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President, for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Art. 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the Secretary of War, which said original proceedings and sentence shall be carefully kept and preserved in the office of said Secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court martial, shall, upon demand thereof made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Art. 91. In cases where the general or commanding officer may order a court of inquiry to

examine into the nature of any transaction, accusation, or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in question.

Art. 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismission of an officer, provided that the circumstances are such that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Art. 93. The judge advocate, or recorder shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing: So help you God."

The witnesses shall take the same oath as witnesses sworn before a court martial.

Art. 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end that his executors or administrators may receive the same.

Art. 95. When any non-commissioned officer, or soldier, shall die, or be killed, in the service of the United States, the then commanding officer of the troop, or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

Art. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay, or hire, in the service of the artillery, or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Art. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only that such courts martial shall be composed entirely of militia officers.

Art. 98. All officers, serving by commission from the authority of any particular State, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or State officers may be older than the commissions of the officers of the regular forces of the United States.

Art. 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

Art. 100. The President of the United States shall have power to prescribe the uniform of the army.

Art. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop, or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be in said service.

SEC. 2. *And be it further enacted*, That, in time of war, all persons not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

SEC. 3. *And be it further enacted*, That the rules and regulations, by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons, respectively, occupied by any part of the army of the United States.

Approved, April 10, 1806.

An Act relating to bonds given by Marshals.

Be it enacted, &c., That the bond heretofore given, or which may hereafter be given, by the marshal of any district, for the faithful performance of the duties of his office, shall be filed and recorded in the office of the clerk of the district court, or circuit court, sitting within the district for which such marshal shall have been appointed, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

SEC. 2. *And be it further enacted*, That it shall be lawful in case of the breach of the condition of any such bond, for any person, persons, or body politic, thereby injured, to institute a suit upon such bond, in the name and for the sole use of such party, and thereupon to recover such damages, as shall be legally assessed, with costs of suit; for which execution may issue for such party in due form; and in case such party shall fail to recover in the suit, judgment shall be rendered and execution may issue for cost in favor of the defendant or defendants, against the party who shall have instituted the suit; and the United States shall in no case be liable for the same.

SEC. 3. *And be it further enacted*, That the said bonds shall, after any judgment, or judgments rendered thereon, remain as a security, for the benefit of any person, persons, or body politic, injured by breach of the condition of the same, until the whole penalty shall have been recovered; and the proceedings shall be always in the same manner, and as hereinbefore directed.

SEC. 4. *And be it further enacted*, That all suits on marshals' bonds, if the right of action has already accrued, shall be commenced and prosecuted within three years after the passage of this act, and not afterwards. And all such suits, in case the right of action shall accrue hereafter, shall be commenced and prosecuted within six years after the said right of action shall have accrued, and not afterwards; saving, nevertheless, the rights of infants, *feme coverts*, and persons *non compos mentis*, so that they sue within three years after their disabilities are removed.

Approved, April 10, 1806.

An Act regulating the currency of foreign coins in the United States.

Be it enacted, &c., That, from and after the passage of this act, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz:

The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains and two-fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each, the actual weight whereof shall not be less than seventeen pennyweights and seven grains, and in proportion for the parts of a dollar. Crowns of France at the rate of one hundred and ten cents, for each crown, the actual weight whereof shall not be less than eighteeen pennyweights and seventeen grains, and in proportion for the parts of a crown. And it shall be the duty of the Secretary of the Treasury to cause assays of the foreign gold and silver coins, made current by this act, to be had at the Mint of the United States, at least once in every year, and to make report of the results thereof to Congress, for the purpose of enabling them to make such alterations in this act, as may become requisite, from the real standard value of such foreign coins. And it shall be the duty of the Secretary of the Treasury to cause assays of foreign gold and silver coins of the description made current by this act, which shall issue subsequently to the passage of this act, and shall circulate in the United States, at the Mint aforesaid, at least once in every year, and to make report of the result thereof to Congress, for the purpose of enabling Congress to make such coins current, if they shall deem the same to be proper, at their real standard value.

SEC. 2. *And be it further enacted*, That the first section of the act, entitled "An act regulating foreign coins and for other purposes," passed the ninth day of February, one thousand seven hundred and ninety-three, be, and the same hereby is, repealed. And the operation of the second section of the same act shall be, and hereby is, suspended for and during the space of three years from the passage of this act.

Approved, April 10, 1806.

An Act to regulate and fix the compensations of the officers of the Senate and House of Representatives.

Be it enacted, &c., That the officers of the Senate and House of Representatives, hereinafter mentioned, shall be, and hereby are, entitled to receive, in lieu of their compensations fixed by law, the following sums, that is to say, the Secretary of the Senate and Clerk of the House of Representatives, two thousand dollars each; their principal clerks, one thousand three hundred dollars each; and each of their engrossing clerks, one thousand dollars per annum.

SEC. 2. *And be it further enacted*, That the Sergeant-at-Arms of the Senate, who also performs the duty of a doorkeeper, the Sergeant-at-Arms, and the Doorkeeper of the House of Rep-

resentatives shall be, and they are hereby, entitled to receive nine hundred and fifty dollars per annum, each; and that the Assistant Doorkeeper of the Senate and the Assistant Doorkeeper of the House of Representatives shall be, and they are hereby, entitled to receive nine hundred dollars per annum each.

SEC. 3. *And be it further enacted*, That any appropriation which shall be made by the Senate, or House of Representatives, out of the contingent fund of either House, towards the compensation of any of the officers of the Senate, or House of Representatives, shall be taken and considered as a part of the salary allowed by this act.

SEC. 4. *And be it further enacted*, That the compensations provided for in this act shall commence, and take effect, from and after the thirty-first day of March, one thousand eight hundred and six.

SEC. 5. *And be it further enacted*, That the act entitled "An act to regulate and fix the compensations of the officers of the Senate and House of Representatives," passed on the twenty-ninth of April, one thousand eight hundred and two, shall, from and after the thirty-first of March, one thousand eight hundred and six, be and the same is hereby repealed.

Approved, April 10, 1806.

An Act directing the Secretary of the Treasury, to cause the coast of North Carolina, between Cape Hatteras and Cape Fear, to be surveyed.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause the coast of North Carolina to be correctly surveyed, between Cape Hatteras and Cape Fear, together with the shoals lying off and between these respective capes or headlands, and to report at the next session of Congress on the practicability of erecting a light-house, lighted beacon, or buoy on or near the extreme point of these shoals, or either of them. And the sum of five thousand dollars is hereby appropriated for the purpose of defraying any expense which may be incurred in making such survey, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 10, 1806.

An Act to provide for persons who were disabled by known wounds, received during the Revolutionary war.

Be it enacted, &c., That any commissioned or non-commissioned officer, musician, soldier, marine, or seaman, disabled in the actual service of the United States, while in the line of his duty, by known wounds received during the Revolutionary war, and who did not desert the service; or who, in consequence of disability, as aforesaid, resigned his commission, or took a discharge; or who, after incurring disability, as aforesaid, was taken captive by the enemy, and remained either in captivity or on parole, until the close of said Revolutionary war; or who, in consequence of known wounds, received as aforesaid, has, at any period since, become and continued disabled in such manner as to render him unable to procure a subsistence by manual labor; whether such officer, musician, soldier, marine, or seaman, served as a volunteer, in any proper service against the common enemy, or belonged to a detachment of the militia, which served against the common enemy, or to the regular forces of the United States, or of any particular State, he shall, upon substantiating his claim, in the manner hereinafter described, be placed on the pension list of the United States during life, or the continuance of such disability, and be entitled, under the regulations hereinafter mentioned, to receive such sum as shall be found just and proper by the testimony adduced.

SEC. 2. *And be it further enacted*, That, in substantiating such claim, the following rules and regulations shall be complied with, that is to say: All evidence shall be taken on oath or affirmation, before the judge of the district, or one of the judges of the territory in which such claimant resides, or before some person specially authorized by commission from said judge.

Decisive disability, the effect of a known wound, or wounds, received while in the actual service and line of duty against the common enemy, during the Revolutionary war, must be proved by the affidavit of the commanding officer of the regiment, corps, company, ship, vessel, or craft, in which such claimant served; or of two other credible witnesses to the same effect, setting forth the time when, and place where, such known wound or wounds were received, and particularly describing the same.

The nature of such disability, and in what degree it prevents the claimant from obtaining his subsistence, must be proved by the affidavit of some reputable physician or surgeon, stating his opinion, either from his own knowledge and acquaintance with the claimant, or from an examination of such claimant, on oath or affirmation; which, when necessary for that purpose, shall be administered to said claimant by said judge or commissioner. And the said physician or surgeon, in his affidavit, shall particularly describe the wound or wounds from whence the disability appears to be derived.

Every claimant must prove, by at least one credible witness, that he continued in service during the whole term for which he was detached, or for which he engaged, unless he was discharged, or left the service in consequence of some derangement of the army, or in consequence of his disability resigned his commission, or was after his disability in captivity or on parole until the close of the Revolutionary war. And in the same manner must prove his mode of life and employment since he left the service, and the place or places where he has since resided, and his place of residence at the time of taking such testimony.

Every claimant shall, by his affidavit, give satisfactory reasons why he did not make application for a pension before, and that he is not on the

pension list of any State; and the judge or commissioner shall certify, in writing, his opinion of the credibility of the witnesses whose affidavits he shall take, in all those cases where by this act it is said the proof shall be made by a credible witness or witnesses; and also, that the examining physician or surgeon is reputable in his profession.

SEC. 3. *And be it further enacted*, That the said judge of the district, or person by him commissioned as aforesaid, shall transmit a list of such claims, accompanied by the evidence, affidavits, certificates, and proceedings, had thereon in pursuance of this act, noting particularly the day on which the testimony closed before him, to the Secretary of the Department of War, that the same may be compared with muster rolls, or other documents in his office; and the said Secretary shall make a statement of all such cases which, together with all the testimony, he shall from time to time transmit to Congress, with such remarks as he may think proper, that Congress may be enabled to place such claimants on the pension list as shall be found entitled to the privilege. And it shall be the duty of the judge or commissioner aforesaid to permit each claimant to take a transcript of the evidence and proceedings had respecting his claim, if he shall desire it, and to certify the same to be correct.

SEC. 4. *And be it further enacted*, That every pension, or increase thereof, by virtue of this act, shall commence on the day when the claimant shall have completed his testimony before the authority proper to take the same.

SEC. 5. *And be it further enacted*, That an increase of pension may be allowed to persons already placed upon the pension list of the United States for disabilities caused by known wounds received during the Revolutionary war, in all cases where justice shall require the same: *Provided*, That the increase, when added to the pension formerly received shall in no case exceed a full pension.

Every invalid making application for this purpose shall be examined by two reputable physicians or surgeons, to be authorized by commission from the judge of the district where such invalid resides, who shall report, in writing, on oath or affirmation, their opinion of the nature of the applicant's disability, and in what degree it prevents him from obtaining a subsistence by manual labor; which report shall be transmitted by said physicians or surgeons to the Secretary of the Department of War, who shall compare the same with the documents in his office, and shall make a statement of all such cases, which, together with the original report, he shall from time to time transmit to Congress, with such remarks as he may think proper, that they may be enabled to do justice to such pensioners.

SEC. 6. *And be it further enacted*, That a full pension given by this act to a commissioned officer shall be one-half of the monthly pay legally allowed, at the time of incurring said disability, to his grade in the forces raised by the United States, and the proportions less than a full pension shall be the correspondent proportions of said half pay; and a full pension to a non-commissioned officer, musician, soldier, marine, or seaman, shall be five dollars a month, and the proportions less than a full pension shall be the like proportions of five dollars a month; but no pension of a commissioned officer shall be calculated at a higher rate than the half-pay of a lieutenant colonel.

SEC. 7. *And be it further enacted*, That the pensions, or increase thereof, which may be allowed by this act, shall be paid in the same manner as pensions to invalids who have been heretofore placed on the pension list are now paid, and under such restrictions and regulations in all respects as are prescribed by law.

SEC. 8. *And be it further enacted*, That, from and after the passage of this act, no sale, transfer, or mortgage of the whole or any part of the pension payable to any non-commissioned officer, musician, soldier, marine, or seaman, before the same becomes due, shall be valid. And every person claiming such pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some magistrate, legally authorized to take the same, a copy of which, attested by said magistrate, shall be lodged with the person who pays said pension; that such power or substitution is not given by reason of any transfer of such pension, or part thereof. And any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 9. *And be it further enacted*, That all laws of the United States heretofore passed, so far as they authorize persons to be placed on the pension list of the United States for, and in consequence of disabilities derived from known wounds received in the Revolutionary war, shall be, and they are hereby, repealed: *Provided*, That nothing in this repealing clause shall injure, or in any way affect those persons already upon the pension list of the United States; and that the Secretary for the Department of War shall proceed upon the testimony which has been transmitted to him by any claimant, before the passage of this act, in the same manner as though this act had never passed.

SEC. 10. *And be it further enacted*, That this act, so far as it authorizes the admission of persons upon the pension list of the United States, shall remain in force for and during the space of six years from the passage thereof, and no longer: *Provided*, That this limitation shall not affect or impair the right of any invalid who may have completed his testimony in the manner prescribed by this act before this limitation commences its operation, but which has not been transmitted to the Secretary for the Department of War.

Approved, April 10, 1806.

An Act to authorize the Secretary of War to issue land warrants, and for other purposes.

Be it enacted, &c., That the Secretary of War be authorized to issue military land warrants to such persons as have or shall, before the first day

of March, one thousand eight hundred and eight, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not yet satisfied, shall and may be located in the names of the holders or proprietors thereof, at any time prior to the first day of October, one thousand eight hundred and eight, on any unlocated parts of the fifty quarter townships and the fractional quarter townships reserved by law for original holders of military land warrants.

SEC. 2. *And be it further enacted*, That it shall be the duty of the surveyor general, under the direction of the Secretary of the Treasury, to cause to be surveyed so much of the fifty quarter townships, and the fractional quarter townships aforesaid, as have been or hereafter may be located according to law, in conformity with the locations made on the plats of the said quarter townships: *Provided*, The whole expense of surveying the same shall not exceed three dollars for every mile actually surveyed.

Approved, April 15, 1806.

An Act to suspend the sale of certain lands in the State of Ohio, and the Indiana Territory.

Be it enacted, &c., That the operation of the sixth condition of the fifth section of the act, entitled "An act to amend the act, entitled 'An act providing for the sale of the lands of the United States northwest of the Ohio, and above the mouth of Kentucky river, be, and the same is hereby suspended until the first day of October next, in favor of such purchasers of lands under the said act, who shall exhibit satisfactory proof to the register and receiver of public moneys in the respective districts where they were actual settlers on the land so purchased, at the time of passing this act.

Approved, April 15, 1806.

An Act to prohibit the importation of certain goods, wares, and merchandise.

Be it enacted, &c., That, from and after the fifteenth day of November next, it shall not be lawful to import into the United States, or the territories thereof, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, any goods, wares, or merchandise, of the following description, that is to say:

All articles of which leather is the material of chief value;

All articles of which silk is the material of chief value;

All articles of which hemp or flax is the material of chief value;

All articles of which tin or brass is the material of chief value, tin in sheets excepted;

Woollen cloths, whose invoice prices shall exceed five shillings sterling per square yard;

Woollen hosiery of all kinds;

Window glass, and all other manufactures of glass;

Silver and plated wares;

Paper of every description;

Nails and spikes;

Hats;

Clothing ready made;

Millinery of all kinds;

Playing cards;

Beer, ale, and porter, and pictures and prints.

Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any of the abovementioned goods, wares, or merchandise, being of the growth, produce, or manufacture of Great Britain or Ireland, or any of the colonies or dependencies of Great Britain: *Provided, however*, That no articles which shall, within fifteen months after the passing of this act, be imported from any place beyond the Cape of Good Hope, on board any vessel cleared out before the passing of this act, from any port within the United States or the territories thereof, for the said Cape of Good Hope, or any place beyond the same, shall be subject to the prohibition aforesaid.

SEC. 2. *And be it further enacted*, That whenever any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be imported into the United States, or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft, or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft, or carriage, belonging to the owner of such prohibited articles, shall be forfeited, and the owner thereof shall, moreover, forfeit and pay treble the value of such articles.

SEC. 3. *And be it further enacted*, That, if any article or articles, the importation of which is prohibited by this act, shall, after the said fifteenth day of November next, be put on board any ship or vessel, boat, raft, or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft, or carriage, such ship or vessel, boat, raft, or carriage, shall be forfeited, and the owner and master thereof shall, moreover, each forfeit and pay treble the value of such articles.

SEC. 4. *And be it further enacted*, That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board any ship or vessel, boat, raft, or carriage, arriving after the said fifteenth day of November next, in the United States, or the territories thereof, shall be omittted in the manifest, report, or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft, or carriage, or shall be omitted in the entry of the goods owned by the owner, or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed, without a permit, the same penalties, fines, and forfeitures shall be incurred, and

may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into the United States.

SEC. 5. *And be it further enacted*, That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares, and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited, or not, and to enter any ship or vessel, dwelling-house, store, building, or other place, for the purpose of searching for and seizing any such goods, wares, and merchandise, which he or they now have by law, in relation to goods, wares, and merchandise, subject to duty; and if any person, or persons, shall conceal or buy any goods, wares, or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares, and merchandise, so concealed or purchased.

SEC. 6. *And be it further enacted*, That the following addition shall be inserted to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the said fifteenth day of November next, viz: "I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board [insert the denomination and name of the vessel] any goods, wares, or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law: And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares, or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district."

SEC. 7. *And be it further enacted*, That the following addition be inserted, after the said fifteenth day of November next, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the territories thereof, viz: "I also swear (or affirm) that there are not, to the best of my knowledge and belief, among the said goods, wares, and merchandise, imported or consigned, as aforesaid, any goods, wares, or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law. And I do further swear (or affirm) that if I shall hereafter discover any such goods, wares, or merchandise, among the said goods, wares, and merchandise, imported or consigned as aforesaid, I will immediately, and without delay, report the same to the collector of this district."

SEC 8. *And be it further enacted*, That all penalties and forfeitures arising under this act may be sued for and recovered, and shall be distributed and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage:" and such penalties and forfeitures may be examined, mitigated, or remitted, in like manner, and under the like conditions, regulations, and restrictions, as are prescribed, authorized, and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned."

Approved, April 18, 1806.

An Act supplementary to the act making provision for the payment of claims of citizens of the United States on the Government of France.

Be it enacted, &c., That the Secretary of the Treasury shall cause to be paid, at the Treasury of the United States, the amount of certain claims of citizens of the United States against the Government of France, arising from the Bordeaux embargo, in conformity with a certified list of liquidations, attested by the Minister of the public treasury of France, and transmitted by the Minister Plenipotentiary of the United States, at Paris, to the said Secretary; which payments shall be made for such sums, respectively, as are stated in the above-mentioned list of liquidations, to such persons, respectively, as the accounting officers of the Treasury shall determine to be rightfully entitled to the same, and out of the moneys heretofore appropriated for the purpose of discharging the claims of citizens of the United States against the Government of France, the payment of which was assumed by the Government of the United States, by virtue of the convention of the thirtieth April, one thousand eight hundred and three.

Approved, April 18, 1806.

An Act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle the claims to the vacant and unappropriated lands within the same.

Be it enacted, &c., That, for the purpose of defining the limits of the vacant and unappropriated lands in the State of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is, established, to wit: beginning at the place where the eastern or main branch of Elk river shall intersect the southern boundary line of the State of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck river; thence down the waters of Duck river to the military boundary line, as established by the seventh section of an act of the State of North Carolina, entitled "An act for the relief of the officers and soldiers of the continental line, and for other purposes;" (passed in the year one thousand seven hundred and eighty-three,) thence with the military boundary line west to the place where it intersects the Tennessee river; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the State of Tennessee.

SEC. 2. *And be it further enacted*, That upon

the Senators and Representatives from the State of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested, by an act of the General Assembly of the State of Tennessee, entitled "An act to appoint agents to settle the dispute between this State and the United States, to the same," and by a resolution of the Senate and House of Representatives of the said State of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein; they do, for and in behalf of the State of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title, and claim, which the State of Tennessee hath to the lands lying west and south of the line, herein before established within the limits of the State of Tennessee, shall thereafter forever cease; and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the State of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the Senate of the United States, and entered at large in their journal, and deposited in the office of the Secretary of State. The United States do thereupon cede and convey to the State of Tennessee, all right, title and claim, which the United States have to the territory of the lands lying east and north of the line hereinbefore established, within the limits of the State of Tennessee, subject to the same conditions as are contained in the act of the General Assembly of the State of North Carolina, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described." And the said State of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles of all lands lying east and north of the before described line, within the limits of the said State, as Congress now have, or the State of Tennessee might have, by virtue of an act of the State of North Carolina, entitled "An act to authorize the State of Tennessee to perfect titles to lands reserved to this State by the cession act," to which said act the assent of Congress is hereby given, so far as is necessary to carry into effect the objects of this compact; subject nevertheless to the following express conditions; that is to say,

First. That all entries of lands, rights of location, and warrants of surveys, and all interfering locations, which might be removed by the aforesaid act of cession of the State of North Carolina, and which are good and valid in law, and which were not actually located west and south of the hereinbefore described line, before the twenty-fifth day of February, one thousand seven hundred and ninety, and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected, within the territory hereby ceded to the State of Tennessee.

Secondly, That the State of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians, by an act of the State of North Carolina, entitled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three; and shall be for the use of two colleges, one in east, and one in west Tennessee, to be established by the Legislature thereof; and one hundred thousand acres in one tract, within the limits last aforesaid, for the use of academies, one in each county in said State, to be established by the Legislature thereof; which said several tracts shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the Legislature of the State, but shall not be granted or sold for less than two dollars per acre; and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, forever. And the State of Tennessee shall, moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children, forever. *Provided,* That nothing contained in this act shall be construed to affect the Indian title, or to subject the United States to the expense of extinguishing the same. *And provided also,* That the lowest price of all lands granted or sold within the ceded territory, shall be the same as shall be established by Congress for the lands of the United States. *And provided, nevertheless,* That the people residing in said State, south of French, Broad, and Holston, and west of Big Pigeon rivers, provided for by the constitution of the State of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. *And provided, further,* That nothing herein contained shall be construed to enable any person or persons, until authorized by the Legislature of the State of Tennessee, to locate any warrants issued under the authority of the State of North Carolina, within the limits of the lands reserved to the Cherokee Indians by the fifth section of the act of said State, entitled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three.

SEC. 3. *And be it further enacted,* That if the territory hereinbefore ceded to the State of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession,

including the lands within the limits reserved by the State of North Carolina to the Cherokee Indians, to perfect all existing legal claims charged thereon by the conditions contained in this act of cession, Congress will, hereafter, provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

Approved, April 18, 1806.

An Act authorizing a detachment from the Militia of the United States.

Be it enacted, &c., That the President of the United States be, and he is hereby authorized, at such time as he shall deem necessary, to require of the Executives of the several States, to take effectual measures to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States, by the militia returns of the last year, in cases where such returns were made, and in cases where such returns were not made the last year, by such other data as he shall judge equitable.

Sec. 2. *And be it further enacted*, That the President may, if he shall judge it expedient, authorize the Executives of the several States to accept, as part of the said detachment, any corps of volunteers, who shall engage to continue in service six months after they arrive at the place of rendezvous.

Sec. 3. *And be it further enacted*, That the detachment of militia and volunteers aforesaid, shall be officered out of the present militia officers, or others, at the option and direction of the Constitutional authority in each State, respectively; the President of the United States apportioning the general officers among the respective States as he may deem proper.

Sec. 4. *And be it further enacted*, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous; and that, during the time of their service, they shall be entitled to the same pay, rations, and allowance for clothing, that are established by law, as the pay, rations, and allowance for clothing of the Army of the United States.

Sec. 5. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to call into actual service any part, or the whole of the said detachment, when he shall judge the exigencies of the United States require it; if a part of the said detachment only shall be called into actual service, they shall be taken from such part thereof as the President in his discretion shall deem most proper.

Sec. 6. *And be it further enacted*, That two millions of dollars be, and are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the pay and subsistence of such part of the said detachment as may be called into service.

Sec. 7. *And be it further enacted*, That an act, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," approved the third of March, one thousand eight hundred and three, be, and the same is hereby repealed.

Sec. 8. *And be it further enacted*, That this act shall continue, and be in force for the term of two years from the passing thereof, and no longer.

Approved, April 18, 1806.

An Act making appropriations for the support of Government for the year one thousand eight hundred and six.

Be it enacted, &c., That for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and officers; for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expenses of intercourse with foreign nations; for the support of lighthouses, beacons, buoys, and public piers; for the defraying the expenses of surveying the public lands in the Territories of Indiana and Mississippi; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby, respectively appropriated, that is to say:

For compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months and a half continuance, two hundred thousand five hundred and eighty-five dollars.

For the expense of firewood, stationery, printing, and all other contingent expenses of the two Houses of Congress, thirty-two thousand dollars.

For all contingent expenses of the library, and Librarian's allowance for the year one thousand eight hundred and six, four hundred and fifty dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, including the sum of twelve hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, twelve thousand five hundred and sixty dollars.

For the incidental and contingent expenses of the said department, four thousand two hundred dollars.

For printing and distributing copies of the laws of the first session of the ninth Congress, and printing the laws in newspapers, eight thousand two hundred and fifty dollars.

For special messengers charged with despatches, two thousand dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, including those engaged on the business belonging to the late office of the Commissioner of the Revenue, twelve thousand three hundred dollars.

For the expense of translating foreign languages, allowance to the person employed in receiving and transmitting passports and sea letters, stationery and printing, one thousand dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, twelve thousand nine hundred and seventy-seven dollars and eight cents.

For expenses of stationery, printing, and incidental and contingent expenses of the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, twelve thousand two hundred and twenty dollars and ninety-three cents.

For expense of stationery, printing, and incidental and contingent expenses in the office of the Auditor of the Treasury, five hundred dollars.

For compensation to the Treasurer, clerks and persons employed in his office, six thousand two hundred and twenty-seven dollars and forty-five cents.

For expense of stationery, printing, and incidental and contingent expenses in the Treasurer's office, three hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars.

For expense of stationery and printing in the Register's office, (including books for the public stock and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the clerks employed for the purpose of making draughts of the several surveys of land in the Territory of the United States Northwest of the river Ohio, and in keeping the books of the Treasury in relation to the sales of lands at the several land offices, three thousand four hundred dollars.

For fuel and other contingent expenses of the Treasury Department, four thousand dollars.

For defraying the expenses incident to the stating and printing the public accounts for the year one thousand eight hundred and six, one thousand two hundred dollars.

For purchasing books, maps, and charts for the use of the Treasury Department, four hundred dollars.

For compensation to a Superintendent employed to secure the buildings and records of the Treasury, during the year one thousand eight hundred and six, including the expense of two watchmen, and for the repair of two fire engines, buckets, lanterns, and other incidental expenses, one thousand five hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For the expense of fuel, stationery, printing, and other contingent expenses of the office of the Secretary of War, one thousand dollars.

For compensation to the Accountant of the War Department, clerks and persons employed in his office, ten thousand nine hundred and ten dollars.

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

For compensation to clerks employed in the Paymaster's office, one thousand eight hundred dollars.

For fuel in the said office, ninety dollars.

For compensation to the Purveyor of Public Supplies, clerks, and persons employed in his office, including a sum of twelve hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second day of March, one thousand seven hundred and ninety-nine, and for expense of stationery, store rent, and fuel for the said office, four thousand six hundred dollars.

For expenses incidental to the removal of the Purveyor's office to Germantown, during the prevalence of the yellow fever in Philadelphia, in the year one thousand eight hundred and five, one hundred dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, including the sum of seven hundred dollars, in addition to the sum of four thousand two hundred dollars, allowed by the act of the second of March, one thousand seven hundred and ninety-nine, nine thousand eight hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of the Navy, two thousand dollars.

For compensation to the Accountant of the Navy, clerks, and persons employed in his office, including the sum of one thousand one hundred dollars for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the Accountant of the Navy, seven hundred and fifty dollars.

For compensation to the Postmaster General, Assistant Postmaster General, clerks and persons employed in the Postmaster General's office, including a sum of four thousand five hundred and ninety-five dollars, for compensation to his clerks, in addition to the sum allowed by the act of the second of March, one thousand seven hundred and ninety-nine, thirteen thousand nine hundred and fifty-five dollars.

For expense of fuel, candles, house-rent for the messenger, stationery, chests, &c., exclusive of expenses of prosecution, portmanteaus, mail locks, and other expenses incident to the department, these being paid for by the Postmaster General, out of the funds of the office, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For expenses incurred by removal of the loan office from New York, during the prevalence of the epidemic fever in the year one thousand eight hundred and five, one hundred dollars.

For expenses incurred by removal of the loan office from Philadelphia, during the prevalence of the epidemic fever, in the year one thousand eight hundred and five, one hundred dollars.

For compensation to the clerks of the several Commissioners of Loans, and an allowance to certain loan officers, in lieu of clerk hire, and to defray the authorized expenses of the several loan offices, thirteen thousand dollars.

For defraying the expenses of clerk-hire in the office of the Commissioner of Loans of the State of Pennsylvania, in consequence of the removal of the officers of the Treasury Department, in the year one thousand eight hundred, to the permanent seat of Government, two thousand dollars.

For compensation to the Surveyor General, and the clerks employed by him, and for expense of stationery and other contingencies of the Surveyor General's office, three thousand two hundred dollars.

For compensation to the Surveyor of the lands south of the State of Tennessee, clerks employed in his office, stationery and other contingencies, three thousand two hundred dollars.

For compensation to the officers of the Mint:

The Director, two thousand dollars;

The Treasurer, one thousand two hundred dollars;

The Assayer, one thousand five hundred dollars;

The Chief Coiner, one thousand five hundred dollars;

The Melter and Refiner, one thousand five hundred dollars;

The Engraver, one thousand two hundred dollars;

One clerk, at seven hundred dollars;

And two, at five hundred dollars each.

For the wages of persons employed in the different branches of melting, coining, carpenter's, mill-wright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, six thousand two hundred dollars.

For the repairs of furnaces, costs of rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the mint, four thousand two hundred dollars.

For compensation to the Governor, Judges, and Secretary of the Territory of Orleans, including the sum of two thousand seven hundred and fifty dollars, for the salaries from the first of October to the thirty-first of December, one thousand eight hundred and four, fifteen thousand seven hundred and fifty dollars.

For incidental and contingent expenses of the executive officers of the said Territory, including the sum of eight hundred and fifty dollars, a deficiency in the appropriation of one thousand eight hundred and five, and for express hire, and compensation of an Indian interpreter, three thousand seven hundred dollars.

For expense of stationery, office rent, and other contingent expenses in the said Territory, and to make good a deficiency in the appropriations for the years one thousand eight hundred and four, and one thousand eight hundred and five, five hundred and eighty-two dollars and fifty cents.

For compensation to the Governor, Judges, and Secretary of the Mississippi Territory, five thousand nine hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Indiana Territory, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, and other contingent expenses in the said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, including a deficiency of two thousand five hundred and seventy five dollars, in the appropriation for the year one thousand eight hundred and five, for the support of the said Government, seven thousand seven hundred and twenty-five dollars.

For expenses of stationery, office rent, and other contingent expenses in the said Territory, including the sum of six hundred and forty dollars, to defray similar expenses and others attending the organization of the Government in the year one thousand eight hundred and five, nine hundred and ninety dollars.

For compensation to the Governor, Judges, and Secretary of the Louisiana Territory, including a deficiency of two thousand five hundred and seventy-five dollars in the appropriation for the year one thousand eight hundred and five, for the support of the said Government, seven thousand seven hundred and twenty-five dollars.

For expense of stationery, office rent, and other contingent expenses in the said Territory, for the years one thousand eight hundred and five, and one thousand eight hundred and six, five hundred and twenty-five dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been admitted in a due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

For additional compensation to the clerks of the several Departments of State, Treasury, War, and Navy, and of the General Post Office, not exceeding, for each department, respectively, fifteen per centum, in addition to the sums allowed by the act, entitled "An act to regulate and fix the compensation of clerks," eleven thousand eight hundred and eighty-five dollars.

For compensation granted by law to the Chief Justice, Associate Judges, and District Judges of the United States, including the Chief Justice, and two Associate Judges of the District of Columbia; to the Attorney General, and to the Judge of the District of Orleans, including a deficiency in the appropriation for his compensation in the year one thousand eight hundred and four, fifty-six thousand four hundred dollars.

For the like compensation granted to the several District Attorneys of the United States, three thousand four hundred dollars.

For compensation to the Marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, one thousand six hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expense of prosecution for offences against the United States, and for safekeeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late Government, nine hundred dollars.

For the payment of an annuity granted to the children of the late Colonel John Harding, and Major Alexander Trueman, by an act of Congress, passed the fourteenth of May, one thousand eight hundred, six hundred dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and six, to the fourth of March, one thousand eight hundred and seven, ninety-eight thousand dollars.

For the maintenance and support of light-houses, beacons, buoys, and public piers, and stakeage of channels, bars, and shoals, and certain contingent expenses, eighty-one thousand and eighty-eight dollars and two cents.

For the payment of a commission of two and a half per cent. to the commissioners who superintended the erection of public piers in the river Delaware, four hundred and forty-eight dollars and seventy-one cents.

For fixing buoys in Long Island Sound, in addition to the sums heretofore appropriated for that object, one thousand three hundred and forty-two dollars and thirty-four cents.

For expenses of intercourse with foreign nations, thirty-nine thousand and fifty dollars.

For the expenses of the intercourse between the United States and the Barbary Powers, including the compensation of the Consuls at the several Barbary Powers, forty-nine thousand five hundred dollars.

For the contingent expenses of the intercourse with foreign nations, twenty-six thousand nine hundred and fifty dollars.

For the contingent expenses of intercourse with the Barbary Powers, fifty thousand dollars.

For defraying the expense of carrying into effect the sixth article of the British Treaty, in addition to the sums heretofore appropriated for that purpose, seven thousand seven hundred and fifty dollars.

Towards completing the surveys of public lands in the State of Ohio, and in the Indiana and Mississippi Territories, one hundred and twenty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

For defraying the expenses incident to the investigation of claims under the French Convention of the thirtieth of April, one thousand eight hundred and three, in addition to the sums heretofore appropriated to that purpose, six thousand dollars.

For the relief and protection of distressed American seamen, seven thousand five hundred dollars.

For the salaries of the agents at London, Paris, and Madrid, for prosecuting claims in relation to captures, six thousand dollars.

For the amount admitted at the Treasury as due, on the first of January, one thousand seven hundred and ninety-one, to the legal representatives of the late Baron de Beaumarchais, for military stores furnished the United States during the late war, including interest on the same, a sum not exceeding seventy-nine thousand dollars.

For exploring the waters of the country ceded by the convention of the thirtieth of April, one thousand eight hundred and three, and establishing commerce with the Indian tribes inhabiting the same, five thousand dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and out of moneys in the Treasury, not otherwise appropriated.

Approved, April 18, 1806.

An Act making provision for the compensation of witnesses who attended the trial of the impeachment of Samuel Chase.

Be it enacted, &c., That, to every witness summoned to attend the trial of the impeachment of Samuel Chase, there shall be allowed and paid for every day's attendance upon the said trial the sum of three dollars; and, also, for mileage at the rate of twelve and an half cents for every mile distance coming to the City of Washington, and returning to the usual place of residence of the witnesses, respectively.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate to ascertain and certify the amount due to each witness for attendance and mileage; which certificate shall be a sufficient voucher to entitle the witness to receive from the Treasury of the United States the amount certified to be due, unless otherwise ordered by the Senate.

SEC. 3. *And be it further enacted*, That the sum of six thousand dollars be appropriated to defray the expenses to be incurred under the provisions of this act, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, April 21, 1806.

An Act in addition to an act, entitled "An act supplementary to the act providing for a Naval Peace Establishment, and for other purposes."

Be it enacted, &c., That the second and fourth sections of "An act providing for a Naval Peace

Establishment, and for other purposes," be, and the same are hereby repealed.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to keep in actual service, in time of peace, so many of the frigates and other public armed vessels of the United States, as in his judgment the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports.

SEC. 3. *And be it further enacted*, That the public armed vessels of the United States, in actual service, in time of peace, shall be officered and manned, as the President of the United States shall direct: *Provided*, That the officers shall not exceed the following numbers and grades; that is to say, thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen; but the said officers shall receive no more than half their monthly pay, during the time when they shall not be under orders for actual service: *And provided further*, That the whole number of able seamen, ordinary seamen, and boys, shall not exceed nine hundred and twenty-five; but the President may appoint, for the vessels in actual service, so many surgeons, surgeons' mates, sailingmasters, chaplains, pursers, boatswains, gunners, sailmakers, and carpenters, as may in his opinion be necessary and proper.

Approved, April 21, 1806.

An Act for the regulation of the times of holding the courts of the District of Columbia, and for other purposes.

Be it enacted, &c., That the circuit court for Washington county, in the District of Columbia, shall hereafter commence and be held on the first Monday in June in each year, instead of the fourth Monday in July, as now fixed by law; and the circuit court for Alexandria county, in said district, on the first Monday in July, instead of the fourth Monday in June, as now established; and that the circuit court for Washington county, which now stands adjourned to the fourth Monday in July next, shall be, and is hereby adjourned to the first Monday in June next; and the circuit court for Alexandria county shall be adjourned to, and held on the first Monday in July next; and that all process whatsoever, now issued, or that may be issued in the respective counties of Washington and Alexandria, in said district, returnable to the fourth Mondays in June and July next, respectively, or to any particular day in the first, second, or other succeeding weeks during the said terms, as heretofore established, shall be returnable, and returned to the first Mondays in June and July next, or to corresponding days in the first, second, or other succeeding weeks during the said terms, respectively, as now by this law established; and all causes, recognizances, pleas, and proceedings, civil and criminal, returnable to, and depending before the said courts, at the respective times of holding the same as heretofore established, shall be returned and continued to the said first Monday in June and July next, in the same counties, respectively, in the same manner, as if the said causes, recognizances, pleas and proceedings, had been regularly returned or continued to the said respective times appointed by this act, for holding the said courts.

SEC. 2. *And be it further enacted*, That the provisions of the act, entitled "An act for the relief of insolvent debtors within the District of Columbia," shall extend to any debtor who may have been, or hereafter shall be, arrested and holden to bail in the said district, and who, at the time of his arrest, shall have been a resident in the said district one year next preceding his arrest.

Approved, April 21, 1806.

An Act continuing in force for a further time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers.

Be it enacted, &c., That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," as is contained in the first section of the said act, be, and the same hereby is, continued in force until the end of the next session of Congress, and no longer.

Approved, April 21, 1806.

An Act supplementary to an act, entitled "An act for ascertaining and adjusting the titles and claims to land, within the Territory of Orleans, and the district of Louisiana."

Be it enacted, &c., That every person or persons claiming a tract of land, by virtue of the second section of the act, to which this act is a supplement, and who had commenced an actual settlement on such tract, prior to the first day of October, one thousand eight hundred, and had continued actually to inhabit and cultivate the same, during the term of three years from the time when such actual settlement had commenced, and prior to the twentieth day of December, eighteen hundred and three, shall be considered as having made such settlement with the permission of the proper Spanish officer, although it may not be in the power of such person or persons to produce sufficient evidence of such permission.

SEC. 2. *And be it further enacted*, That every person or persons rightfully claiming a tract of land, not exceeding six hundred and forty acres, by virtue of the act to which this act is a supplement, shall be confirmed in his or their claims, if otherwise embraced by the provisions of the said act, although the person or persons, under whom the claim or claims originated, were not at the time when the same originated, above the age of twenty-one years: *Provided*, That the tract of land thus claimed, had been for the space of ten consecutive years, prior to the twentieth day of December, eighteen hundred and three, in the quiet possession of, and actually inhabited and cultivated by such person or persons, or for his or their use.

SEC. 3. *And be it further enacted*, That the time fixed by the act to which this act is a supplement, for delivering to the register of the proper land office, notices in writing, and the written evidences of claims to the land in the Territory of Orleans, be, and the same is hereby extended, till the first day of January next; and persons delivering such notices and evidences, shall be entitled to the same benefits as if the same had been delivered prior to the first day of March last; but the rights of such persons, as shall neglect so doing, within the time limited by this act, shall be barred, and the evidences of their claims never after admitted as evidence, in the same manner as had been provided by the fourth section of the act, to which this act is a supplement, in relation to claims, notices, and written evidences of which, should not be delivered, prior to the said first day of March last.

SEC. 4. *And be it further enacted*, That the registers of the land offices in the Territory of Orleans, respectively, be, and they are hereby, authorized to appoint so many deputies, not exceeding one for each county, in their respective districts, as they may think necessary; whose duty it shall be to receive, enter, and file notices, and to receive and record written evidences of claims to lands lying in the county, or counties, to them respectively assigned, in the same manner as the register might do; and, also, to transmit to the register the said notices and evidences, or such transcripts of abstracts of the same, as the said register, or the commissioners, may direct; and generally to do and perform all such acts, in relation to such claims, as the said register may direct. Persons having claims to land may deliver the notices and evidences of the same, at their option, either to the register of the proper land office, or to his deputy, for the county in which such land lies; and each of the said deputies shall be entitled to receive the recording fees, allowed to the register, by the act to which this act is a supplement, and in addition thereto, (or a compensation of five hundred dollars in full for all his services,) at the rate of one dollar for every claim filed with him, to be paid out of the moneys appropriated for carrying into effect the act to which this act is a supplement.

SEC. 5. *And be it further enacted*, That the commissioners, appointed for the purpose of ascertaining the rights of persons claiming lands in the Territory of Orleans, shall, in their respective districts, have the same powers, and perform the same duties, in relation to the claims thus filed before the first day of January next, as if notice of the same had been given before the first day of March last, and as was provided by the act to which this act is a supplement, in relation to the claims therein described. Transcripts of the decisions of the said commissioners, and reports of the claims filed in conformity with the provisions of this act, shall be made and transmitted, as was provided by the act to which this act is a supplement, in relation to the claims therein described. It shall likewise be the duty of the said commissioners, to inquire into the nature and extent of the claims which may arise from a right, or supposed right, to a double or additional concession on the back of grants or concessions heretofore made, or from grants or concessions heretofore made to minors, and not embraced by the provisions of this act, or from grants or concessions made by the Spanish Government, subsequent to the first day of April, one thousand eight hundred, for lands which were actually settled and inhabited on the twentieth day of December, one thousand eight hundred and three; and to make a special report thereon to the Secretary of the Treasury; which report shall be, by him, laid before Congress at their next ensuing session. And the lands which may be embraced by such report, shall not be otherwise disposed of, until a decision of Congress shall have been had thereupon.

SEC. 6. *And be it further enacted*, That each of the registers aforesaid, shall, in addition to his other emoluments, receive a compensation of five hundred dollars for the services to be performed under this act prior to the first day of January next; and each of the commissioners aforesaid, shall receive at the rate of six dollars a day, for every day's actual attendance on the duties of his office, subsequent to the first day of January next; *Provided*, That the whole amount of compensation thus allowed, shall not, for any commissioner, exceed two thousand dollars: *And provided, also*, That the President of the United States may, if he shall think proper, reduce, after the first day of January next, the number of commissioners on either or both boards, to one or two persons, and in case of such reduction the commissioner or commissioners constituting the board, shall have the same powers which are vested by this act, or by the act to which this act is a supplement, in the board established by the act, to which this act is a supplement. The clerk of each of the boards shall be entitled to receive at the rate of fifteen hundred dollars a year; the translators at the rate of six hundred dollars a year, and the agents employed by the Secretary of the Treasury at the rate of fifteen hundred dollars a year, from the first day of January next, to the time when each board shall respectively be dissolved. *Provided*, That no more than one year's compensation be thus allowed to each of the said clerks, translators, and agents: *And provided, also*, That the Secretary of the Treasury may discontinue either one or both of said agents, whenever he shall think it proper.

SEC. 7. *And be it further enacted*, That the commissioners appointed for the purpose of ascertaining the rights of persons, claiming lands in the Territories of Orleans and Louisiana, be, and they are hereby authorized, if they shall think it necessary, for the purpose of obtaining oral evidence, either in support of, or in opposition to claims, which evidence could not be given at the usual place of their sittings, without oppression to the parties or witnesses, to remove their sittings, or to send for that purpose, one or more members of the board, to such other place or places, within their respective districts, as they may think necessary: And each of the commissioners going for

that purpose to such other place or places, shall, in addition to his compensation, receive at the rate of six dollars for every twenty miles, going to and returning from such place or places: *Provided*, That no commissioner shall receive in the whole, on that account, more than for the distance, from the usual place of the sittings of the board to the extreme settlements within his respective district.

SEC. 8. *And be it further enacted*, That each of the boards aforesaid shall prepare, and cause to be prepared, the reports and transcripts, which by law they are directed to make to the Secretary of the Treasury, in conformity with such forms as he may prescribe; and they shall also, in their several proceedings and decisions, conform to such instructions as the said Secretary may, with the approbation of the President of the United States, transmit to them in relation thereto.

SEC. 9. *And be it further enacted*, That the surveyor of the public lands south of Tennessee be, and he is hereby directed to appoint a principal deputy for each of the two land districts of the Territory of Orleans, whose duty it shall be to reside and keep an office in the said districts respectively, to execute, or cause to be executed by the other deputies, such surveys as have been or may be authorized by law, or as the commissioners aforesaid may direct; to file and record all such surveys, to form, as far as practicable, connected drafts of the lands granted in the district, so as to exhibit the lands remaining vacant, and generally to perform in such districts respectively, in conformity with the regulations and instructions of the said surveyor of the public lands south of the State of Tennessee, the duties imposed by law on said surveyor. And each of the said principal deputies shall receive an annual compensation of five hundred dollars, and in addition thereto, the following fees, that is to say: for examining and recording the surveys executed by any of the deputies, at the rate of twenty-five cents for every mile of the boundary line of such survey; and for a certified copy of any plot of a survey in the office, twenty-five cents.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized, whenever he shall think it proper, to appoint a receiver of public moneys for the western district of the Territory of Orleans, who shall receive the same annual compensation, give security in the same manner and in the same sums, and whose duties and authorities shall, in every respect, be the same in relation to the lands which shall hereafter be disposed of at their offices, as are by law provided with respect to the receivers of public moneys, in the several offices established for the disposal of the lands of the United States north of the river Ohio, and above the mouth of Kentucky river. And the said receiver, and the register of the land office, for the same district, shall, whenever the public lands within the same shall be offered for sale, be entitled to the same commissions and fees, which are by law respectively allowed to the same officers, north of the river Ohio, and above the mouth of Kentucky river.

SEC. 11. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, whenever he shall think it proper, to direct so much of the public lands lying in the western district of the Territory of Orleans as shall have been surveyed in conformity with the provisions of the act to which this act is a supplement, to be offered for sale. All such land shall, with the exception of the section "number sixteen," which shall be reserved in each township for the support of schools within the same; with the exception, also, of an entire township, to be located by the Secretary of the Treasury, for the use of a seminary of learning, and with the exception, also, of the salt springs, and land contiguous thereto, which, by direction of the President of the United States, may be reserved for the future disposal of the said States, shall be offered for sale to the highest bidder, under the direction of the register of the land office, of the receiver of public moneys, and of the principal deputy surveyor; and on such day or days, as shall, by a public proclamation of the President of the United States, be designated for that purpose. The sales shall remain open for three weeks, and no longer; the land shall be sold for a price not less than that which has been, or may be fixed by law, for the public lands in the Mississippi Territory, and shall, in every other respect, be sold in tracts of the same size, on the same terms and conditions as have been, or may be, by law provided for the lands sold in the Mississippi Territory. The superintendents of the said public sales shall receive six dollars each, for each day's attendance on the said sales. All lands, other than the reserved sections, and those excepted as above mentioned, remaining unsold at the closing of the public sales, may be disposed of at private sale by the register of the land office, in the same manner, under the same regulations, for the same price, and on the same terms and conditions, as are, or may be provided by law for the sale of the lands of the United States in the Mississippi Territory; and patents shall be obtained for all lands granted or sold in the Territory of Orleans, in the same manner, and on the same terms as are, or may be, provided by law for lands sold in the Mississippi Territory.

SEC. 12. *And be it further enacted*, That the location, or locations of land, which may be made in the Territory of Orleans, by Major General Lafayette, by virtue of the act to which this act is a supplement, shall and may be received, though containing less than one thousand acres. *Provided*, That no such location or survey shall contain less than five hundred acres.

SEC. 13. *And be it further enacted*, That the Secretary of the Treasury be authorized to cause a survey to be made of the seacoast of the Territory of Orleans, from the mouth of the Mississippi to Vermillion bay, inclusively, and as much farther westwardly as the President of the United States shall direct, and also of the bays, inlets, and navigable waters connected therewith.

Provided, That the expense of such survey shall not exceed five thousand dollars.

SEC. 14. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, in addition to the sum appropriated by the act to which this act is a supplement, and to be paid out of any unappropriated moneys in the Treasury, be, and the same is hereby, appropriated for the purpose of carrying this act into effect.

Approved, April 21, 1806.

An Act respecting the claims to land in the Indiana Territory, and State of Ohio.

Be it enacted, &c., That the registers and receivers of public moneys, of the districts of Vincennes and Kaskaskias, respectively, be, and they are hereby, authorized and empowered, under the direction of the Secretary of the Treasury, to lay out one or more tracts of land in their respective districts, for the purpose of locating therein tracts of land granted by virtue of any legal French or British grants, or of any resolution or act of Congress. *Provided*, That the tracts thus laid out shall be, whenever practicable, adjoining the tracts, which, in conformity with former laws, had been laid out for similar purposes by the Governors of the Northwest or Indiana Territories; and the tracts thus laid out shall not be otherwise disposed of, unless by order of Congress.

SEC. 2. *And be it further enacted*, That any person or persons entitled to grants of land by virtue of any former resolution or act of Congress, which are not specifically designated in the patents issued by the Governors aforesaid, or which have not yet been located, shall have a right to locate the same in the tract or tracts, to be laid out in each district, respectively by virtue of the preceding section; the priority of such locations shall be determined by lot, in the presence of the register of the land office, with whom the location shall be entered; and the Surveyor General shall cause the same to be surveyed at the expense of the parties. *Provided*, That all the lands thus located, shall, in each tract laid out for that purpose, be laid out in a body, without leaving any intervals of vacant land, and shall each be surveyed in the form of a square or of a parallelogram, the length of which shall not exceed three times its breadth.

SEC. 3. *And be it further enacted*, That the registers and receivers aforesaid, shall complete and transmit their reports to the Secretary of the Treasury, before the first day of December next. Each of the officers shall be allowed an additional compensation of five hundred dollars, and each of the clerks of the respective boards shall be allowed an additional compensation of two hundred and fifty dollars, for his services as such, in relation to such claims.

SEC. 4. *And be it further enacted*, That the register and receiver of public moneys in the district of Cincinnati be, and they are hereby, authorized to grant certificates of a right of preemption to any person residing on any reserved section, other than section "number sixteen," for the tract on which he resides, on the applicant's producing satisfactory evidence that his claim was within the provisions of the seventh section of an act, entitled "An act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes." *Provided*, That the person shall exhibit the evidence of his claim, and shall have paid at least one twentieth part of the purchase money on or before the first day of August next. *And provided, also*, That such certificates shall not be granted for any lands previously granted or sold, or for a larger tract than a quarter of a section, nor for any other tract than that on which he resides, and such lands shall be granted at the same price, and on the payments being made, as for other public lands sold at private sale.

Approved, April 21, 1806.

An Act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes.

Be it enacted, &c., That the Secretaries of State, Treasury, War, and Navy Departments shall be, and they are hereby, authorized to apportion the compensations for clerks in their respective departments in such manner as the services to be performed shall, in their judgment, require: *Provided*, That the whole amount of ordinary compensations for clerks in the said departments, respectively, shall not exceed the following sums annually, that is to say:

For the Department of State, seven thousand one hundred and fifty dollars.

For the Treasury Department, forty-four thousand two hundred and twenty-seven dollars and twenty-eight cents, that is to say: in the office of the Secretary of the Treasury, ten thousand two hundred and eighty-nine dollars and eighty-one cents; in the office of the Comptroller of the Treasury, nine thousand and sixty seven dollars; in the office of the Auditor, eight thousand eight hundred and eleven dollars; in the office of the Treasurer of the United States, two thousand eight hundred and seventeen dollars and forty-five cents; and in the office of the Register of the Treasury, thirteen thousand two hundred and forty-two dollars and two cents.

For the Department of War, sixteen thousand five hundred and forty dollars, that is to say: in the office of the Secretary, six thousand three hundred and forty dollars; in the office of the Accountant of the War Department, eight thousand five hundred dollars; and in the office of the Purveyor of Public Supplies, one thousand seven hundred dollars.

For the Department of the Navy, twelve thousand nine hundred dollars, that is to say: in the office of the Secretary, four thousand nine hundred dollars; and in the office of the Accountant of the Navy Department, eight thousand dollars.

SEC. 2. *And be it further enacted*, That the Postmaster General of the United States shall be, and hereby is, authorized to appoint such number of clerks in his office as he shall judge proper, and to apportion their compensations in such manner as the services to be rendered by each shall, in his

judgment, require: *Provided*, That the whole amount of ordinary compensations for clerks in the said office shall not exceed the sum of nine thousand three hundred and forty-five dollars annually.

SEC. 3. *And be it further enacted*, That the Director of the Mint be, and he is hereby, authorized to allow to one of the clerks employed in his office seven hundred dollars per annum; and the said Director is hereby authorized to expend the further sum of one thousand dollars, annually, in clerk hire, in such manner as his discretion shall dictate. And the Surveyor General is hereby allowed to expend twelve hundred dollars, annually, for clerk hire.

SEC. 4. *And be it further enacted*, That there shall be allowed to the Commissioners of Loans in the States of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars each, per annum; to the Commissioner of Loans in Connecticut, not exceeding two clerks, at the rate of four hundred dollars each, per annum; to the Commissioner of Loans in Pennsylvania, not exceeding six clerks, at the rate of five hundred dollars each, annually; to the Commissioners of Loans in Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars each, annually; the aggregate of compensations for clerks employed by either of said Commissioners to be apportioned among them at his discretion. And there shall be annually allowed, in lieu of clerk hire, to the Commissioner of Loans in the State of New Hampshire, three hundred and fifty dollars; to the Commissioner of Loans for the State of Rhode Island, four hundred dollars; to the Commissioner of Loans in the State of New Jersey, three hundred dollars; and to the Commissioner of Loans in the State of Maryland two hundred and fifty dollars.

SEC. 5. *And be it further enacted*, That the compensations allowed by this act to clerks shall commence with the year one thousand eight hundred and seven; and it shall be the duty of the Secretaries for the Departments of State, Treasury, War, and Navy, and of the Postmaster General and Surveyor General, and of the Commissioners of Loans in the several States, to report to Congress, at the beginning of each year, the names of the clerks they have employed, respectively, in the preceding year, and the sum given to each; and whether the business for clerks increases or diminishes in their respective departments, that Congress may be enabled to make further arrangements by law respecting clerk hire. And it shall be the duty of the Secretary of the Treasury particularly to report whether the business in the loan office of Pennsylvania shall, from year to year, continue to require the additional sum of two thousand dollars allowed by this act for clerk hire, in consequence of the removal of the Treasury Office from Philadelphia, in eighteen hundred, to the permanent seat of Government; and likewise he shall report the necessity, if such shall continue, of employing clerks on the business belonging to the office of the late Commissioner of the Revenue.

SEC. 6. *And be it further enacted*, That hereafter, in case of the removal of any public office, by reason of sickness which may prevail in the town or city where such office is located, a particular account of the cost of such removal shall be laid before Congress that they may be enabled to judge of the proper sum to be allowed for the same.

SEC. 7. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause to be opened a road from the frontier of Georgia on the route from Athens to New Orleans, till the same intersects the thirty-first degree of north latitude: Provided, he shall not expend more than six thousand four hundred dollars in opening the same. And to cause to be opened a road or roads through the territory lately ceded by the Indians to the United States, from the river Mississippi to the Ohio, and to the former Indian boundary line which was established by the treaty of Greenville: Provided, he shall not expend in opening the same more than six thousand dollars. And to cause to be opened a road from Nashville, in the State of Tennessee, to Natchez, in the Mississippi Territory: Provided, he shall not expend more than six thousand dollars in opening the same.

SEC. 8. *And be it further enacted*, That to defray the expense authorized by this act beyond the appropriation for the support of Government for the year one thousand eight hundred and six, there is hereby appropriated a sum not exceeding twenty-eight thousand dollars, payable out of any money in the Treasury not otherwise appropriated. And that the act entitled "An act to regulate and fix the compensation of clerks," which passed on the second day of March, one thousand seven hundred and ninety-nine, shall, from and after the first day of January next be, and the same is, hereby repealed.

Approved, April 21, 1806.

An Act making appropriations for the support of the Navy of the United States, during the year one thousand eight hundred and six.

Be it enacted, &c., That, for defraying the expenses of the Navy of the United States during the year one thousand eight hundred and six, the following sums be, and the same are, hereby respectively appropriated, that is to say:

For pay and subsistence of the officers, and pay of the seamen, two hundred and ninety-one thousand one hundred and nineteen dollars.

For provisions, one hundred and fifty seven thousand two hundred and fifty-four dollars and thirty-four cents.

For medicine, instruments, and hospital stores, seven thousand five hundred dollars.

For repairs of vessels, store rent, pay of armorers, freight, and other contingent expenses, four hundred and eleven thousand nine hundred and fifty dollars.

For pay and subsistence of the marine corps

including provisions for those on shore, and forage for the staff, sixty-six thousand and twenty-eight dollars and ten cents.

For clothing for the same, fourteen thousand three hundred and sixty dollars.

For military stores for the same, one thousand one hundred and thirty-five dollars.

For medicine, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, one thousand one hundred and fifty dollars.

For quartermaster's and barrackmaster's stores, officers' travelling expenses, armorer's and carpenter's bills, fuel, premium for enlisting, musical instruments, bounty to music, and other contingent expenses, eight thousand one hundred and forty-five dollars.

For the expense of navy yards, docks, and other improvements, the pay of superintendents, storekeepers, clerks, and laborers, sixty thousand dollars.

For ordnance, fifty thousand dollars.

For completing the marine barracks at the city of Washington, three thousand five hundred dollars.

SEC. 2. *And be it further enacted*, That the several sums herein specifically appropriated shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 21, 1806.

An Act to provide for the adjustment of titles of land in the town of Detroit and Territory of Michigan, and for other purposes.

Be it enacted, &c., That the Governor and the Judges of the Territory of Michigan shall be, and they, or any three of them, are hereby authorized to lay out a town, including the whole of the old town of Detroit, and ten thousand acres adjacent, excepting such parts as the President of the United States shall direct to be reserved for the use of the military department, and shall hear, examine, and finally adjust all claims to lots therein, and give deeds for the same. And to every person, or the legal representative or representatives of every person, who, not owing or professing allegiance to any foreign Power, and being above the age of seventeen years, did, on the eleventh day of June, one thousand eight hundred and five, when the old town of Detroit was burnt, own or inhabit a house in the same, there shall be granted by the Governor and the Judges aforesaid, or any three of them, and where they shall judge most proper, a lot not exceeding the quantity of five thousand square feet.

SEC. 2. *And be it further enacted*, That the land remaining of the said ten thousand acres, after satisfying claims provided for by the preceding section, shall be disposed of by the Governor and Judges aforesaid, at their discretion to the best advantage, who are hereby authorized to make deeds to purchasers thereof; and the proceeds of the land so disposed of shall be applied by the Governor and Judges aforesaid towards building a court house and jail in the town of Detroit, and the said Governor and Judges are required to make a report to Congress, in writing, of their proceedings under this act.

Approved, April 21, 1806.

An Act making a further appropriation towards completing the south wing of the Capitol, at the city of Washington.

Be it enacted, &c., That a sum not exceeding forty thousand dollars shall be, and the same is, hereby appropriated, to be applied under the direction of the President of the United States, towards completing the south wing of the Capitol, at the city of Washington, which said sum shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, April 21, 1806.

An Act to amend, in the cases therein mentioned, the "Act to regulate the collection of duties on imports and tonnage."

Be it enacted, &c., That so much of the "Act to regulate the collection of duties on imports and tonnage" as requires the collector for the district of Great Egg Harbor, in the State of New Jersey, to reside at Somers' Point, be, and the same hereby is, repealed; and the said collector shall reside at such place, within said district, as may be directed by the Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That the town or landing place of Darien, on the Alatamaha river, in the State of Georgia, shall be a port of delivery, to be annexed to the district of Brunswick, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and a surveyor shall be appointed to reside at the said port of delivery, who shall be entitled to receive one hundred dollars annual salary, together with the other emoluments of office, as fixed by existing laws.

SEC. 3. *And be it further enacted*, That Ocracocke inlet, in North Carolina, together with Shell Castle and Beacon islands, and all the shores, islands, shoals, bays, and waters within two miles of the shores of said inlet, on each side thereof, shall be a district, to be called the district of Ocracocke; the President of the United States shall be authorized to designate such place in the said district as he shall think proper to be the port of entry; and a collector for said district shall be appointed to reside at such port of entry, who, in addition to his other emoluments, shall be entitled to receive the salary now allowed to the surveyor of Beacon island, and no other; and shall also perform the duties heretofore enjoined by law on the said surveyor; but no duties shall be paid, or secured to be paid, in the said district of Ocracocke, on any articles intended for any other port connected with the waters of the said inlet of Ocracocke, such only excepted as may be cast away within the said district. The office of surveyor of Beacon island shall be henceforth abolished, and the masters or commanders of every ship or vessel coming in at Ocracocke inlet, and intending to unlade her cargo, or any part

thereof, at any port, other than the district of Ocracocke, connected with the waters of the said inlet, as well as the masters or commanders of all lighters or coasting veesels, who shall receive goods, wares, or merchandise to be transported to any such port, shall be bound to exhibit their reports and manifests to the said collector, and to perform all the other duties which, by the eighteenth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," they are now bound to perform, under similar circumstances, in the inlet aforesaid.

Approved, April 21, 1806.

An Act in addition to an act, entitled "An act regulating the grants of land and providing for the disposal of the lands of the United States south of the State of Tennessee."

Be it enacted, &c., That whenever any person who shall have received pre-emption certificates from either of the Boards of Commissioners, appointed for the purpose of ascertaining the rights of persons to lands in the Mississippi Territory, shall, by a final judgment or decree of the highest court of law, or equity, in which a decision could be had, within the said Territory, rendered in favor of another person claiming by virtue of a British patent, lose the whole or part of the tract of land to which he was entitled by virtue of such certificate, it shall be lawful for the receiver of public moneys for the district where the land lies, to repay to such person or his assigns, so much of the purchase money as has been paid by him for the land thus recovered, by the holder of the British patent. In all cases where only a part of a tract of land, to which any person may be entitled by virtue of a certificate granted by the commissioners aforesaid, is also claimed by the holder of a British patent, a patent may issue in favor of the owners of such certificate, for so much of such tract of land as is not claimed by virtue of such British patent: *Provided*, That he shall in every other respect have complied with the provisions of the acts of Congress, regulating the grants of land in the Mississippi Territory. And the lands contained in British grants, which have been duly recorded in conformity with the provisions of former laws, and for which certificates have not been granted by commissioners aforesaid, shall not be disposed of until otherwise directed by Congress.

Sec. 2. *And be it further enacted*, That persons entitled to a right of pre-emption to lands in the Mississippi Territory, by virtue of certificates granted by either of the Boards of Commissioners aforesaid, shall be allowed till the first day of January, one thousand eight hundred and seven, to make the first payment of the purchase money of such lands: And if any such person shall neglect to make such first payment, on or before the first day of January, one thousand eight hundred and seven, his right of pre-emption shall cease and become void.

Sec. 3. *And be it further enacted*, That each of the commissioners appointed to ascertain the claims to lands in the abovementioned Territory, west of Pearl river, shall be allowed at the rate of six dollars for every day he shall attend, subsequent to the first day of April, one thousand eight hundred and six: *Provided*, That such additional allowance shall not exceed five hundred dollars, for each commissioner; and the agent appointed in behalf of the United States for the said Board shall be allowed an additional compensation of three hundred and fifty dollars for the whole of his services. And the register and receiver of public moneys in each of the districts of the above mentioned Territory, shall, and they are hereby authorized, in their districts, respectively, and after the dissolution of the board of commissioners for their district, to regulate the location of any tract of land lying within such district, for which a certificate shall have been granted by the commissioners, whenever it shall appear that the location specified in such certificates, interfere with each other, or do not include the improvements, by virtue of which such certificates were granted: *Provided*, That the said register and receiver shall not be authorized to allow any location on land not improved and settled, in the manner provided by the former acts of Congress, regulating the grants of land in the abovementioned Territory; nor to allow, in any case, a greater quantity of land than had been allowed by the commissioners.

Sec. 4. *And be it further enacted*, That whenever it shall appear to the satisfaction of the register and receiver of the district east of Pearl river, that the settlement and occupancy, by virtue of which a pre-emption certificate had been granted by the commissioners, had been made and taken place, prior to the 30th day of March, one thousand seven hundred and ninety-eight, they shall be authorized to grant to the party a donation certificate, in lieu of such pre-emption; and the patent shall issue as in other cases of donations: *Provided*, That application shall be made for such an exchange, and evidence produced of the date of such settlement and occupancy, on or before the 31st day of December next.

Sec. 5. *And be it further enacted*, That the right of the United States to all the land lying between the front street of the city of Natchez and the Mississippi river, and bounded on the north by north fourth street, and the land granted to Stephen Minor, and on the south, by the lands annexed to the old fort, and those granted to William Barland, be, and the same hereby is, forever vested in the corporation of said city, so as not to affect the legal or equitable claims of any individuals, or of any body politic, or corporate, if any such there be: *Provided*, That the said land, as above described, be neither cultivated nor occupied by buildings, but that it be planted with trees, and preserved as a common, for the use, comfort, and health of the inhabitants of the city aforesaid, and all other persons who may occasionally resort thither.

Sec. 6. *And be it further enacted*, That whenever the section No. 16, shall fall upon land already granted, by virtue of any act of Congress, or claimed by virtue of a British grant, the Secretary of the Treasury shall locate another section, in lieu thereof, for the use of schools, which location shall be made in the same township, if there be

any other vacant section therein, and otherwise, in an adjoining township.

SEC. 7. *And be it further enacted*, That Richard Sparks be permitted to enter with the register of the land office for the district west of Pearl river, his claim to three hundred and twenty acres of land, lying within said district; and that Richard S. Bryan, and George Brewer, senior, be permitted to enter with the register of the land office for the district east of Pearl river, their certificate of a right of pre-emption for three hundred and twenty acres of land, lying within the district last mentioned: and such entry of the claim of the said Richard Sparks shall have the same effect, as if it had been made prior to the first day of December, one thousand eight hundred and four, and such entry of the certificate of the said Richard S. Bryan and George Brewer, senior, shall have the same effect as if it had been made within three months from the time it was issued.

Approved, April 21, 1806.

An Act for fortifying the ports and harbors of the United States, and for building gunboats.

Be it enacted, &c., That a sum of money, not exceeding one hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause the ports and harbors of the United States to be better fortified and protected.

SEC. 2. *And be it further enacted*, That a sum of money, not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby appropriated, to enable the President of the United States to cause to be built and completed a number of gunboats, not exceeding fifty, for the protection of the harbors, coasts, and commerce of the United States; and the President is hereby authorized to officer, man, and equip, any part, or all of said gunboats, when he shall judge the same expedient, for the purposes aforesaid; and a sum not exceeding twenty thousand dollars is hereby appropriated, to defray any expense which may be incurred by officering, manning, and equipping gunboats, as aforesaid.

SEC. 3. *And be it further enacted*, That the President of the United States may direct any of the armed vessels of the United States to be sold, whenever he shall be of opinion that the said vessel is so much out of repair, that it will not be for the interest of the United States to repair the same.

SEC. 4. *And be it further enacted*, That the several sums of money hereby appropriated shall be paid out of any money in the Treasury of the United States, not otherwise appropriated.

Approved, April 21, 1806.

An Act for establishing trading-houses with the Indian tribes.

Be it enacted, &c., That it shall be lawful for the President of the United States to establish trading-houses at such posts and places on the frontiers, or in the Indian country, on either or both sides of the Mississippi river, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the United States, or their territories.

SEC. 2. *And be it further enacted*, That the President of the United States shall be authorized to appoint a superintendent of Indian trade, whose duty it shall be to purchase and take charge of all goods intended for trade with the Indian nations aforesaid, and to transmit the same to such places as he shall be directed by the President. And he shall take an oath or affirmation faithfully to execute the trust committed to him, and that he will not directly, or indirectly, be concerned, or interested in any trade, commerce, or barter, but on the public account; and he shall also give bond, in the penal sum of twenty thousand dollars, with sufficient security, to be approved of by the Secretary of the Treasury of the United States, truly and honestly to account for all the money, goods, and other property, whatever, which shall come into his hands, or for which in good faith he ought so to account, and to perform all the duties required of him by this act; and his accounts shall be made up quarter yearly, and transmitted to the Secretary of the Treasury.

SEC. 3. *And be it further enacted*, That the superintendent of Indian trade shall receive an annual salary of two thousand dollars, payable quarter yearly, at the Treasury of the United States.

SEC. 4. *And be it further enacted*, That the President of the United States shall be authorized to appoint an agent for each trading-house established under the provisions of this act; and every such agent shall give bond with sufficient security in such sum as the President shall direct, truly and honestly to account for all the money, goods, and other property, whatever, which shall come into his hands, and for which he ought so to account, and to perform all the duties required of him by this act.

SEC. 5. *And be it further enacted*, That it shall be the duty of each of the said agents to receive, from the superintendent of Indian trade, and dispose of, in trade with the Indian nations aforesaid, such goods as may be transmitted to him by the said superintendent, to be received and disposed of as aforesaid, according to the rules and orders which the President of the United States shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, but on the public account, and he shall render an account quarter yearly to the superintendent of Indian trade, of all money, goods, and other property whatsoever, which shall be transmitted to him, or which shall come into his hands, or for which, in good faith, he ought to account; and he shall transmit duplicates of his accounts to the Secretary of the Treasury of the United States.

SEC. 6. *And be it further enacted*, That the superintendent of Indian trade, the agents, their

clerks, or other persons employed by them, shall not be, directly or indirectly, concerned in exporting to a foreign country any peltries or furs, belonging to the United States, or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during his or their appointment, agency or employment, other than provided by this act, or excepting for, or on account of the United States. And if any such person shall offend against any of the prohibitions aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States a sum not exceeding one thousand dollars, and shall be removed from such office, agency, or employment, and forever thereafter be incapable of holding any office under the United States: *Provided*, That if any person, other than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half of the aforesaid penalty, when received, shall be for the use of the person giving such information: *And provided also*, That if such misdemeanor be committed by the superintendent of Indian trade, or by any agent, it shall be deemed a breach of the condition of his bond, and the penalty thereof may be recovered in any court having competent jurisdiction of the same.

Sec. 7. *And be it further enacted*, That the prices of goods supplied to, and to be paid for, by the Indians, shall be regulated in such manner, that the capital stock, furnished by the United States, shall not be diminished.

Sec. 8. *And be it further enacted*, That during the continuance of this act, the annual sum of three thousand dollars be, and the same is hereby, appropriated for the payment of the salary of the superintendent of Indian trade and his clerks, to be paid out of any money in the Treasury of the United States, not otherwise appropriated.

Sec. 9. *And be it further enacted*, That, during the continuance of this act, the President of the United States be, and he is hereby, authorized to draw annually, from the Treasury of the United States, a sum not exceeding ten thousand dollars, to be applied under his direction to the payment of the agents and clerks; which agents shall be allowed to draw out of the public supplies two rations each, and each clerk one ration per day.

Sec. 10. *And be it further enacted*, That the sum of two hundred and sixty thousand dollars, including the sums heretofore appropriated, and applied to the like purpose, and exclusive of the superintendent of Indian trade, and of the allowances to agents and clerks, be, and the same is hereby appropriated, for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforesaid, to be paid out of any moneys in the Treasury of the United States, not otherwise appropriated.

Sec. 11. *And be it further enacted*, That if any agent or agents, their clerks, or other person employed by them, shall purchase or receive from any Indian in the way of trade or barter, any gun, or other article commonly used in hunting; any instrument of husbandry or cooking utensil, of the kind usually obtained by Indians in their intercourse with white poople, or any article of clothing, excepting skins or furs, he or they shall respectively forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name and to the use of the United States, in any court having jurisdiction in like cases: *Provided*, That no suit shall be commenced except in the State or Territory within which the cause of action shall have arisen, or in which the defendant may reside. And it shall be the duty of the superintendent of Indian trade, or of the superintendents of Indian affairs, and their deputies respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, to prosecute the offender without delay.

Sec. 12. *And be it further enacted*, That it shall be the duty of the said superintendent of Indian trade, under the direction of the President of the United States, to cause the said furs and peltry to be sold at public auction, public notice whereof shall be given three weeks previous to such sale, in different parts of the United States, making an equal distribution of the same, in proportion to the demand of the market, and as may be deemed most advantageous to the United States, and upon such terms and conditions as shall be prescribed by the Secretary of War: *Provided*, That there shall not be less than six annual public sales, of the said furs and peltry, and that the superintendent of the Indian trade shall not hold more than two such sales in any State, during any one year.

Sec. 13. *And be it further enacted*, That this act shall be in force for and during the term of three years, and no longer.

Approved, April 21, 1806.

An Act for the punishment of counterfeiting the current coin of the United States, and for other purposes.

Be it enacted, &c., That, if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any gold or silver coins, which have been, or which hereafter shall be, coined at the Mint of the United States, or who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any foreign gold or silver coins, which, by law now are or hereafter shall be made current, or be in actual use and circulation as money within the United States; or who shall utter, as true, any false, forged, or counterfeited coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged, or counterfeited; any such person, so offending, shall be deemed and adjudged guilty of felony, and being thereof convicted, according to the due form of law, shall be sentenced

to imprisonment, and kept at hard labor, for a period not less than three years, nor more than ten years; or shall be imprisoned not exceeding five years, and fined not exceeding five thousand dollars.

Sec. 2. *And be it further enacted*, That if any person shall import or bring from any foreign place into the United States, any false, forged, or counterfeit gold or silver coins, which are by law made current, or are in actual use and circulation, as money, within the United States, with the intent to utter, or make payment with the same, knowing the same to be falsely made, forged, or counterfeited; or who shall utter, as true, any such false, forged, or counterfeited, coins of gold or silver, as aforesaid, for the payment of money, with intention to defraud any person or persons, knowing the same to be falsely made, forged, or counterfeited, the person so offending shall be deemed guilty of felony, and being thereof convicted, according to due course of law, shall be sentenced to imprisonment, and kept at hard labor, for a period not less than two years, nor more than eight years; or shall be imprisoned not exceeding two years, and fined not exceeding four thousand dollars.

Sec. 3. *And be it further enacted*, That if any person shall fraudulently, and for gain's sake, by any art, way, or means whatsoever, impair, diminish, falsify, scale, or lighten the gold or silver coins, which have been, or which shall hereafter be coined at the Mint of the United States; or any foreign gold or silver coins, which are by law made current, or are in actual use and circulation as money within the United States, every person so offending shall be deemed guilty of a high misdemeanor, and shall he imprisoned not exceeding two years, and fined not exceeding two thousand dollars.

Sec. 4. *And be it further enacted*, That nothing in this act contained, shall be construed to deprive the courts of the individual States of jurisdiction, under the laws of the several States, over offences made punishable by this act.

Approved, April 21, 1806.

An Act to repeal so much of any act or acts as authorizes the receipt of evidences of the Public Debt, in payment for the lands of the United States, and for other purposes, relative to the Public Debt.

Be it enacted, &c., That so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, shall, from and after the thirtieth day of April, one thousand eight hundred and six, be repealed: *Provided*, That the right of all who may have purchased public lands previous to the passage of this act, to pay for the same in stock, shall in nowise be affected or impaired: *And provided, further*, That there shall be allowed on every payment made in money, at or before the same shall fall due, for lands purchased before the thirtieth day of April, one thousand eight hundred and six, in addition to the discounts now allowed by law, a deduction equal to the difference at the time of such payment, between the market price of six per cent. stock and the nominal value of its unredeemed amount, which market price shall, from time to time, be stated by the Secretary of the Treasury to the officers of the several land offices.

Sec. 2. *And be it further enacted*, That the Commissioners of the Sinking Fund shall not be authorized to purchase any of the several species of the public debt, at a higher price than at the rates following, that is to say: they shall not pay more for three per cent. stock than sixty per cent. of its nominal value; nor for any other species of the public debt more than the nominal value of its unredeemed amount, the eight per cent. stock only excepted; for which they shall be authorized, in addition thereto, to give, at the rate of one half of one per cent. on the said nominal value, for each quarterly dividend which may be payable on such purchased stock, from the time of such purchase to the first day of January, one thousand eight hundred and nine.

Sec. 3. *And be it further enacted*, That so much of any act as directs that purchases of the public debt, by the Commissioners of the Sinking Fund, shall be made within the thirty days next ensuing after each day on which a quarterly payment of interest on the debt of the United States shall become due, and also so much of any act as directs that the said purchases shall be made by open purchase or by sealed proposals, be, and the same hereby is, repealed. And the said Commissioners are hereby authorized to make such purchases, under the restrictions laid by the preceding section, in such manner, and at such times and places as they shall deem most eligible; and for that purpose to appoint a known agent or agents, to whom they may allow a commission, not exceeding one-fourth of one per cent. on the respective purchases of such agents.—[Approved, April 18, 1806.

An Act for erecting certain light-houses in the State of Massachusetts; for building a beacon, or pier, at Bridgeport in the State of Connecticut; and for fixing buoys in Pamlico Sound, in the State of North Carolina.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected the following light-houses in the State of Massachusetts:

One on Franklin island, at the mouth of St. George's river, in the district of Maine.

One on West Passamaquoddy head, at the entrance into the bay and harbor of Passamaquoddy, in the district of Maine.

And a double light-house at or near Chatham harbor, on the back of Cape Cod.

Provided sufficient land for the accommodation of the said light-houses can be obtained at reasonable prices, and the Legislature of Massachusetts shall cede the jurisdiction over the same to the United States. And the Secretary of the Treasury is hereby authorized to agree for the salaries, or wages, of the persons who may be appointed by the President for the superintendence and care of said light-houses, and otherwise to provide for the same, at the expense of the United States.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, re-

quired to cause a beacon, or pier, to be erected near the mouth of the harbor of Bridgeport in the State of Connecticut; and to cause buoys to be fixed on Bluff Shoal, Royal Shoal, North west Straddle, and Southwest Straddle, in the waters of Pamlico Sound, in the State of North Carolina.

SEC. 3. *And be it further enacted*, That there be appropriated, for defraying the expense of erecting each of the aforesaid light-houses, the sum of five thousand dollars; for the expense of erecting the said beacon, or pier, the sum of one thousand dollars; and for the expense of fixing the said buoys, one thousand dollars, to be paid, respectively, out of any money in the Treasury, not otherwise appropriated.—[Approved, April 21, 1806.

An Act supplementary to the act, entitled "An act to extend jurisdiction in certain cases to the Territorial Courts."

Be it enacted, &c., That the provisions of the act, entitled "An act for providing compensation for the marshals, clerks, attornies, jurors, and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," passed February the twenty-eighth, one thousand seven hundred and ninety-nine, be, and the same hereby are, extended to the Territories of the United States, so far as the said act may relate to the provisions of the act, entitled "An act to extend jurisdiction in certain cases to the Territorial courts," passed March the third, one thousand eight hundred and five, excepting that the clerks of the said Territorial courts shall not receive the additional five dollars per day, allowed to the clerks of the circuit and district courts by the third section of the act first above mentioned.—[Approved, April 18, 1806.

An Act making appropriations for carrying into effect certain Indian treaties.

Be it enacted, &c., That, for the purpose of carrying into effect a treaty between the United States and the Delawares, Potawatamies, Miamies, Eel river and Weas, holden at Grouseland, near Vincennes, on the twenty-first day of August, one thousand eight hundred and five, the sum of one thousand six hundred dollars is hereby appropriated, to be paid to the said tribes, annually, as follows: to the Miamies, six hundred dollars; to the Eel river tribe, two hundred and fifty dollars; to the Weas, two hundred and fifty dollars; which several annuities shall be permanent: and to the Potawatamies, annually, for the term of ten years, and no longer, the sum of five hundred dollars, in addition to former annuities.

SEC. 2. *And be it further enacted*, That, for the purpose of carrying into effect a treaty between the United States and the Wyandot, Ottawa, Munsee and Delaware, Shawanee, and Potawatami nations, holden at Fort Industry, on the fourth day of July, one thousand eight hundred and five, the annual sum of eight hundred and twenty-five dollars be, and the same is hereby, appropriated.

SEC. 3. *And be it further enacted*, That, for the purpose of carrying into effect two treaties between the United States and the Cherokee Indians, holden at Tellico, on the twenty-fifth and twenty-seventh days of October, one thousand eight hundred and five, a sum of fifteen thousand six hundred dollars, and the further annual sum of three thousand dollars be, and the same is hereby, appropriated.

SEC. 4. *And be it further enacted*, That, for the purpose of carrying into effect a convention between the United States and the Creek nation of Indians, concluded at the city of Washington, on the fourteenth day of November, one thousand eight hundred and five, a sum of twelve thousand dollars, annually, for eight years, and the sum of eleven thousand dollars, annually, for the term of ten years, next thereafter succeeding, be, and the same are hereby, appropriated.

SEC. 5. *And be it further enacted*, That the several sums appropriated by this act, shall be paid out of any money in the Treasury, not otherwise appropriated.—[Approved, April 21, 1806.

An Act making appropriations for the support of the Military Establishment of the United States, for the year one thousand eight hundred and six.

Be it enacted, &c., That for defraying the expense of the Military Establishment of the United States, for the year one thousand eight hundred and six; for the Indian Department, and for the expense of fortifications, arsenals, magazines, and armories, the following sums be, and the same hereby are respectively appropriated; that is to say:

For the pay of the Army of the United States, three hundred and two thousand, five hundred and fifty-six dollars:

For forage, four thousand six hundred and eight dollars:

For the subsistence of the army and corps of engineers, two hundred and twenty-four thousand nine hundred and ninety-four dollars, five cents:

For clothing, eighty-five thousand dollars:

For bounties and premiums, fifteen thousand dollars:

For the medical and hospital departments, twelve thousand dollars:

For camp equipage, fuel, tools, and transportation, eighty-five thousand dollars:

For fortifications, arsenals, magazines and armories, two hundred and eighteen thousand five hundred and forty two dollars, five cents:

For purchasing maps, plans, books, and instruments, one thousand five hundred dollars:

For the contingent expenses of the War Department, eighteen thousand dollars:

For the pay and subsistence of the commandants in Louisiana, six thousand and sixty-six dollars, sixty-seven cents:

For the Indian Department, ninety-six thousand six hundred dollars.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged, first, out of any balance remaining unexpended of former appropriations for the support of the Military Establishment; and, secondly, out of any moneys in the Treasury not otherwise appropriated.

Approved, April 18, 1806.

An Act further to alter and establish certain post roads; and for other purposes.

Be it enacted, &c., That the following post roads shall be discontinued: From Dixon's Spring to Lebanon, in Tennessee; and from Raleigh, by Haywood, Chatham Court-house, and Chapel Hill to Hillsborough, in North Carolina.

2. SEC. *And be it further enacted*, That the following post roads be established:

In Massachusetts—From Granville, through Sandisfield and New Marlborough, to Stockbridge; and from Rochester, by Middleborough, East Meeting House, to East Bridgewater; from Brookfield, through Brimfield, in Massachusetts, to Stafford Springs, and thence to Tolland, in Connecticut.

In the District of Maine—From Brewer's to Plantation number five. From Vassalborough, through Fairfax, Unity, Collegetown, to Hamden. From Buckfield, through Hartford, to Livermore; and from New Milford, through Ballston, Palermo, and Davistown, to Belfast.

In Vermont—From Royalton, through Tunbridge, Chelsea, and Vershire, to Corinth.

In Connecticut—From Pomfret, through Gloucester, to Providence, in Rhode Island.

In New York—From the town of Cherry Valley, through Springfield, Richfield, and Bridgewater, to Sangersfield; and from Harrisburg, through Williamstown, Ogdensburg, Potsdam, Chautagay, to Plattsburg. From Rome, through Redfield, Adams, by Smith's Mills to Sacket Harbor, anp from thence to Chemangh. From Bath, through Canistiotown, Danville, and Williamsburg to Hartford; and from Onandago to the village of Oswego in Lysander; and a cross post from West Hampton, to River Head. From New Lebanon, in the State of New York, by Hancock, Richmond, Lennox, Lee, Becket, Loudon, and Sandisfield, in Massachusetts, to New Hartford in Connecticut.

In New Jersey—From Belvidere to Stroudsburg, in Pennsylvania.

In Pennsylvania—From Berlin, through Salisbury, to Cumberland. From Greensburgh to Kittanning; from Tuckhannock, to Chenango Point in New York; and from Greensburg, through Mount Pleasant, Robbstown, and Williamsport, to Washington; and from Washington, through Alexandria, to Wheeling. From Gettysburg, through Millerstown, Nicholson's Gap, and Waynesburg, to Green Castle.

In Delaware—From the village of Christiana, through Newark, to Stratsburg in Pennsylvania; and from Georgetown, through Concord, to Laurel.

In Maryland—The post road from Vienna, in Dorchester county, to Snow Hill, in Worchester county, and thence returning to Vienna, may, in the discretion of the Postmaster General, be so altered as to pass over Wicomico Lower Ferry and Quantico Mills: *Provided*, No additional expense in transporting the mail shall be incurred thereby.

In Virginia—From Lynchburgh to Lexington. From Waterford to Sniker's Gap, by the stores of Robert Braden and Jesse Janny, and from thence to Upperville, and to return by Israel Janny's Mill. From Wythe Court-house, by Tazewell Court-house, Russel Court-house, Lee Court-house, to Robinson's Mills. And from Madison Court-house to Stannardsville. The post road from Manchester to Colesville, shall pass, by Chesterfield Court-house and Spring Hill.

In North Carolina—From Averysborough by Haywood, Chatham Court-house, to cross Haw river near Jones's Ferry, to Hillsborough. From Raleigh, by Chapel Hill, to Hillsborough. From Wilmington, through Conwayborough, to Georetown, in South Carolina; and from Wilksborough to Ashe Court-house.

In South Carolina—From Portsferry, to Conwayborough; and from Portsferry, by Marion Court-house, to Thomas Harley's.

In Georgia—From Washington to Petersburg, and from Athens to Knoxville in Tennessee.

In Ohio—From Cincinnati, by North Bend, to Lawrenceburgh in the Indiana Territory. From Austinburg to Erie, in Pennsylvania, and from Franklinton to Worthington.

In Kentucky—From New Castle, or Henry Court-house, by Gallatin Court-house and Boone Court-house, to Laurenceburgh, in the Indiana Territory; and the post road from Henderson to Eddyville shall pass by Livingston Court-house.

In Tennessee—From Mount Granger to Carthage, thence, by Cavenaugh, to Lebanon. From Nashville to Charlotte. From Burville by Walnut Cove, thence along the turnpike road, by way of Chitwood's, to Pulaski in Kentucky; and from Palmyra to Stuart Court-house, and thence to Eddyville.

In Orleans Territory—From Rapide Settlement to Opelousas.

SEC. 3. *And be it further enacted*, That a sum not exceeding two hundred and fifty dollars, be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Postmaster General to defray the expenses which already are, or hereafter may be, incurred in providing for the accommodation of Joseph H. Webb, who, in August last, was wounded by some person unknown, whilst he was employed in carrying the mail of the United States, and who is now under the care of the commandant at Fort Stoddert.

SEC. 4. *And be it further enacted*, That this act shall not be so construed as to affect any existing contract for carrying the mail.

Approved, April 21, 1806.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be requested to cause to be made known to Nicholas C. Nissen, esquire, His Danish Majesty's Consul residing at Tripoli, the high sense entertained by Congress, of his disinterested and benevolent attentions, manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

Approved, April 10, 1806.